



20220818131343
Kansas Corporation
Commission

1500 SW Arrowhead Road
Topeka, KS 66604-4027

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

Dwight D. Keen, Chair
Susan K. Duffy, Commissioner
Andrew J. French, Commissioner

Laura Kelly, Governor

NOTICE OF PENALTY ASSESSMENT
23-TRAM-149-PEN

August 18, 2022

Mark Drier Jr., General Manager
NL Wilson Moving Inc.
315 Lindenwood Dr.
Olathe, KS 66062

This is a notice of a penalty assessment against NL Wilson Moving Inc. (NL Wilson Moving) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on August 4, 2022, by Kansas Corporation Commission Special Investigator Matt Adams. Penalties are assessed in accordance with the FY 2023 Uniform Penalty Assessment Matrix, approved by the Commission on June 28, 2022. 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: NL Wilson Moving has been assessed an \$850 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$850, through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed.

The attached Order requires a representative of NL Wilson Moving 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.

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. NL Wilson Moving must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Executive Director at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel.¹

IF YOU FAIL TO ACT: Failure to pay the penalty of \$850 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,
/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
(785) 271-3118
a.latif@kcc.ks.gov

¹ K.A.R. 82-1-215; K.S.A. 77-542.

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

PENALTY ORDER

I. JURISDICTION

2. Pursuant to K.S.A. 66-1,129a, 66-1,130 and 66-1,142b, the Commission may suspend operations, revoke or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in regard to the

regulation of such motor carriers and persons, or who fails to obey any order, decision or regulation of the Commission.

3. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

II. BACKGROUND

4. NL Wilson Moving Inc. (NL Wilson Moving or Carrier) is a common motor carrier, which primarily hauls household goods and further operates under USDOT number 1683198.

5. NL Wilson Moving has never attended the Procedures for Safety Compliance Seminar presented by the Kansas Corporation Commission.

III. STATEMENT OF FACTS

6. Pursuant to the jurisdiction and authority cited above, on August 4, 2022, Commission Staff (Staff) Special Investigator Matt Adams conducted a safety compliance review of the operations of NL Wilson Moving. 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 three (3) violation(s) of the Motor Carrier Safety Regulations.

- a. On July 5, 2022, NL Wilson Moving required or permitted its driver, Kab Issa, to operate a commercial motor vehicle, a 2021 Ford E350 straight truck, VIN ending in 03760, GVWR 12,600 lbs., in intrastate commerce between Lenexa, Kansas and Baldwin City, Kansas. The trip is evidenced

by Driver/Vehicle Examination Report No. KSHP02551746, attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, NL Wilson Moving Company allowed Mr. Issa to operate a commercial motor vehicle with an expired driver’s license. The Carrier’s use of a driver that did not have a valid United States commercial driver’s license is in violation of 49 C.F.R. 391.11(b)(5), adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

- b. During the transportation described in paragraph a., above, NL Wilson Moving Company failed to conduct a pre-employment motor vehicle record check on Mr. Issa. NL Wilson Moving Company’s failure to obtain an MVR on its driver and maintain the motor vehicle record in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.
- c. During the transportation described in paragraph a., above, NL Wilson Moving Company operated a commercial motor vehicle for-hire prior to obtaining KCC operating authority. The carrier’s commercial operations of commercial motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

IV. STAFF’S RECOMMENDATIONS

7. Staff submitted a Report and Recommendation (R&R), dated August 10, 2022, attached hereto as Attachment “C” and is hereby incorporated by reference. In its R&R, Staff made recommendation regarding the above-mentioned violations.

8. Based upon the available facts, Staff recommends the Commission finds NL Wilson Moving committed three (3) 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 \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from NL Wilson Moving 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. Staff further recommends NL Wilson Moving submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of this order, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier’s efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

12. Finally, Staff recommends that NL Wilson Moving 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

13. The Commission finds it has jurisdiction over NL Wilson Moving because it is a motor carrier as defined in 49 C.F.R. Part 390.5 as adopted by K.A.R. 82-4-3f.

14. The Commission finds NL Wilson Moving committed three (3) 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. NL Wilson Moving Inc., of Olathe, KS is hereby assessed a \$850 civil penalty for three (3) 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. NL Wilson Moving 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, documenting the violation(s) described in this Penalty Order, including specific and detailed information explaining Carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future.

D. NL Wilson Moving 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. 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 NL Wilson Moving's right to a hearing, and this Penalty Order will become a Final Order.

F. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest.² For civil penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation.³

G. If you do not request a hearing, the payment of the civil penalty of \$850 is due in thirty (30) days from the date of service of this Order. Payment of \$850 must be made through your personal account with the Kansas Corporation Commission's Kansas Trucking Regulatory

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

³ K.S.A. 66-1,142b(e) and amendments thereto.

Assistance Network (KTRAN) system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

H. Failure to pay the \$850 civil penalty within thirty (30) days from the date of service of this Penalty Order and/or failure to comply with the provisions of this Order may result in suspension of NL Wilson Moving's motor carrier operating authority without further notice.⁴ Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Keen, Chair; Duffy, Commissioner; French, Commissioner

Dated: 08/18/2022



Lynn M. Retz
Executive Director

AAL

⁴ K.S.A. 66-1,105.

ATTACHMENT “A”



U.S. DOT#: 1683198
MC/MX#: 698442

Legal: NL WILSON MOVING INC
Operating (DBA):

Investigation Date:
08/08/2022

Investigation Type: Onsite Comprehensive Investigation

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

Extent of Operations: Entire Operation

Physical Address

315 N LINDENWOOD DR
OLATHE, KS 66062
United States

Mailing Address

315 N LINDENWOOD DR
OLATHE, KS 66062
United States

Contact Information

Contact Name: MARK DRIER JR
Email: markdrier@nlwilsonmovers.com
Phone: (913)236-7052 **Cell:** (913)558-7708 **Fax:** (913)307-0131

Business and Financial

Business Type: Corporation
Name of Gross Revenue Provider: Mark Drier
Title of Gross Revenue Provider: President
Gross Revenue: [REDACTED] **For Year Ending:** 12/31/2021
Federal Tax ID: [REDACTED]

Operation Classification and Type

Type of Operation: Non-HM Interstate Carrier

Cargo

Household Goods

Operation Classification

For-Hire Motor Carrier
Property
Household Goods

Equipment

	Owned	Term Leased	Trip Leased
Straight Trucks	2	3	

Power units used in the U.S.: 5
Percentage of time used in the U.S.: 100%

Driver Information

Drivers	Intrastate	Interstate
< 100 Miles	5	
>= 100 Miles		

Average trip leased driver/month: 0
Drivers with CDL: 0
Total Drivers: 5

Person(s) Interviewed

Name: MARK DRIER JR

Title: GENERAL MANGER

Questions

Questions about this report or the Federal Motor Carrier 1303 SW FIRST AMERICAN PL STE 200
Safety or Hazardous Materials regulations may be TOPEKA, KS 66604-4040
addressed to the Federal Motor Carrier Safety Phone: (785) 271-1260
Administration at: Fax: (877) 547-0378

This report will be used to assess your safety compliance.

Violations

1. Primary: 391.11(b)(5)
Secondary: 391.11(a)

Using a driver without a currently valid commercial motor vehicle operator's license or permit.

Example/Notes:

On 7/5/2022 NL Wilson Moving Company Inc had driver Kab Issa (expired Kansas DL [REDACTED]) operate a 2021 Ford E350 straight truck (unit #7TH4KT, Michigan license plate #BB3054, VIN [REDACTED] 03760, gross vehicle weight rating 12,600 pounds) in intrastate commerce as a household goods mover. Issa operated the vehicle from Lenexa, KS to Baldwin City, KS. This trip is evidenced by a job invoice, a roadside inspection conducted by the Johnson County, KS sheriff's office, and the driver's current MVR. At the time of this trip, the carrier allowed Issa to operate a commercial motor vehicle without a valid driver's license.

2. Primary: 391.23(a)

Failing to investigate driver's background.

Example/Notes:

On 7/5/2022 NL Wilson Moving Company Inc had driver Kab Issa (expired Kansas DL [REDACTED]) operate a 2021 Ford E350 straight truck (unit #7TH4KT, Michigan license plate #BB3054, VIN [REDACTED] 03760, gross vehicle weight rating 12,600 pounds) in intrastate commerce as a household goods mover. Issa operated the vehicle from Lenexa, KS to Baldwin City, KS. This trip is evidenced by a job invoice and a roadside inspection conducted by the Johnson County, KS sheriff's office. At the time of this trip, the carrier allowed Issa to operate a commercial motor vehicle without conducting a pre-employment state motor vehicle record check.

3. Primary: 391.51(d)

Failing to keep required records in driver's qualification file for 3 years after date of execution.

Example/Notes:

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Drivers/Vehicles in Violation

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Violations Discovered

Fed	State	Total
	1	1

Checked

Fed	State	Total
	5	5

Drivers/Vehicles in Violation

Fed	State	Total

Checked

Fed	State	Total

Violations Discovered

Fed	State	Total
2		2

Checked

Fed	State	Total
5		5

Drivers/Vehicles in Violation

On 7/18/2022 NL Wilson Moving Inc had driver Juan Nava (valid KS DL [REDACTED]) operate a 2021 International MV607 (unit 6244-033, Kansas license plate #692959, VIN [REDACTED] 422753, gross vehicle weight rating 26,000 pounds) in interstate commerce as a household goods mover. Carver operated the vehicle from the carrier's PPOB in Olathe to Kansas City, MO for a point-to-point delivery in Kansas City, MO. This trip is evidenced by a time sheet and job invoice. At the me of this trip, the carrier failed to maintain documentation required to be kept in the driver qualification file for three years after the date of execution-the carrier had lost the prior three years of inquiries into the state motor vehicle record for the two drivers employed for that length of time.

4. Primary: 392.2
Secondary: 392.2

Operating without KCC authority: No public motor carrier of property or passengers or private motor carrier of property or local cartage carrier shall operate any motor vehicle for the transportation of either persons or property on any public highway in this state except in accordance with the provisions of this act, and amendments thereto, and other applicable laws

Example/Notes:

On 7/5/2022 NL Wilson Moving Company Inc had driver Kab Issa (expired Kansas DL [REDACTED]) operate a 2021 Ford E350 straight truck (unit #7TH4KT, Michigan license plate #BB3054, VIN [REDACTED] 03760, gross vehicle weight rating 12,600 pounds) in intrastate commerce as a household goods mover. Issa operated the vehicle from Lenexa, KS to Baldwin City, KS. This trip is evidenced by a job invoice and a roadside inspection conducted by the Johnson County, KS sheriff's office. At the time of this trip, the carrier was operating in intrastate commerce as a public motor carrier without valid Kansas operating authority.

Fed	State	Total
Checked		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	5	5
Violations Discovered		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	5	5
Drivers/Vehicles in Violation		
Fed	State	Total
	1	1
Checked		
Fed	State	Total
	5	5

Safety Fitness Rating

Your proposed safety rating is: **SATISFACTORY** 0 UNSATISFACTORY rating factors and 2 or fewer CONDITIONAL rating factors. Corrective actions must be taken for any violations (deficiencies) identified in this report. See below for more information.

RATING FACTORS	RATING	ACUTE	CRITICAL
Factor 1: General = Parts 387 and 390	Satisfactory	0	0
Factor 2: Driver = Parts 382, 383 and, 391	Satisfactory	0	0
Factor 3: Operational = Parts 392 and 395	Satisfactory	0	0
Factor 4: Vehicle = Parts 393 and 396	Satisfactory		
OOS Vehicles (CR): 0			
Number of Vehicles Inspected (CR): 0			
OOS Vehicles (MCMIS): 0			
Number of Vehicles Inspected (MCMIS): 0			
OOS Rate: 0%			
Factor 5: Haz. Mat. = Parts 397, 171, 177 and, 180	N/A	N/A	N/A
Factor 6: Accident Factor = Recordable Rate	Satisfactory	N/A	N/A
Total Miles Operated: 7,300			
Recordable Accidents: 0			
Recordable Accidents/Million Miles: 0.00			

You must take corrective actions for any violations (deficiencies) identified in the Violations section of this report.

DataQs: If you dispute the violations recorded in the Violations section of this investigation report, and the violations were not used in the calculation of your safety rating, you may submit a Request for Data Review (RDR) through DataQs. The DataQs system is the method to remove violations that did not affect your safety rating. DataQs is an online system that allows a motor carrier or driver to request and track a review of Federal and State issued data that it believes to be incomplete or incorrect. To submit an RDR, go to <https://dataqs.fmcsa.dot.gov>.

Process Breakdown and Remedies

BASIC: Driver Fitness

Process Breakdown: Monitoring and Tracking

Specific Recommended Remedies

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

1. Review and retain each driver’s Motor Vehicle Record (MVR) prior to employment and at least annually to ensure compliance with company policies, Federal regulations, and State and local laws and ordinances related to driver fitness. If a driver seems to have numerous violations, the MVR should be reviewed more often. Random MVR checks in addition to annual checks are also effective. File the MVR in each driver’s driver qualification file after review.

BASIC: Driver Fitness

Process Breakdown: Qualification and Hiring

Specific Recommended Remedies

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

1. Ensure that Motor Vehicle Records (MVRs) from States issuing Commercial Driver’s Licenses (CDLs) are reviewed for driver-fitness-related violations of all prospective drivers for the last three years.
2. Ensure that drivers are qualified by querying applicants, checking with previous employers and references, and obtaining necessary documents regarding driver fitness, such as those pertaining to previous violations, Commercial Driver’s License (CDL), medical qualifications, operational qualifications from training, and relevant experience.

Recommendations

1. **Additional Information**

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

2. **Obtain KCC Economic Operating Authority**

Ensure that KCC operating authority is obtained for intrastate operations.

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

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

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

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

5. **KCC For All Investigations**

For all Investigations that could result in a Penalty Order:

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Penalty Order. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations and/or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed for *NL WILSON MOVING INC, USDOT 1683198, 8/8/2022*. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the KCC during this review may be used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified. Information on your compliance status, roadside inspections, regulatory changes, accident countermeasures and hazardous material incident prevention manual is available on the Internet at the Federal Motor Carrier Safety Administration's web site at <http://www.fmcsa.dot.gov/> and <http://www.safer.fmcsa.dot.gov/>. For all Investigations that did not result in a Cooperative Safety Plan: The KCC requires that you prepare a corrective action plan (CAP), addressing the measures taken to correct all violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Submit the letter along with copies of your supporting evidence to: e-mail: g.davenport@kcc.ks.gov FAX: 785-271-3124; or mail to;

Kansas Corporation Commission

Attn: Gary Davenport

1500 SW Arrowhead Road

Topeka, KS 66604-4027

I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of *NL WILSON MOVING INC's* authority and/or the impoundment of *NL WILSON MOVING INC's* Commercial Motor Vehicles.

ATTACHMENT “B”

DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSSO83510266
Inspection Date: 07/05/2022
Start: 2:30 PM CT End: 3:30 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Carrier: NL WILSON MOVING INC
DBA:
315 N LINDENWOOD DR
OLATHE, KS, 66062
USDOT: 1683198 Phone#:
MC/MX#: 00698442 Fax#:
State#:
Location: JOHNSON COUNTY - 091
Highway: 56 HWY
County:

Driver: ISSA, KAB
License#: K03648240 State: KS
Date of Birth: 03/26/1998
CoDriver: RODRIGUEZ, NAVA
License#: State: KS
Date of Birth:
Milepost: 443 Shipper: NL WILSON
Origin: LENEXA,KS Bill of Lading: 15412
Destination: BALDWIN CITY,KS Cargo: HOUSEHOLD
GOODS

Email:

VEHICLE IDENTIFICATION

Unit	Type	Make	Year	State	Plate	Equipment ID	VIN	GVWR	CVSA #	Issued #	OOS Sticker
1	TR	FORD	2021	MI	BB63054		03760 12600				

BRAKE ADJUSTMENTS

Axle #	1	2
Right	N/A	N/A
Left	N/A	N/A
Chamber	HYDR	HYDR

VIOLATIONS

Section	Type	Unit	OOS	CP	Citation #	Verify	Crash	Violations Discovered
376.11D1	F	D	N	N		N	N	Lease or Rental Agreement not on board leased or rented CMV. DRIVER DID NOT HAVE LEASE AGREEMENT IN CMV. CALLED THE MANAGER AND STILL WAS UNABLE TO PROVIDE THE LEASE AGREEMENT
391.11B5-DNL	F	D	Y	N	22E	N	N	Driver does not have a valid operator's license for the CMV being operated.: DRIVER ONLY HAS AN ID. IT IS RESTRICTED ALSO. NOT A VALID LICENSE.

HazMat: No HM transported

Placard:

Cargo Tank:

Special Checks:	Alcohol/Controlled Substance Check	Traffic Enforcement	Post Crash Inspection
X	Conducted by Local Jurisdiction	PASA Conducted Inspection	PBBT Inspection
	Size and Weight Enforcement	Drug Interdiction Search	
	eScreen Inspection	High Priority Overtime	
	MCSAP Overtime		

Notes: DRIVER WAS STOPPED FOR A RANDOM INSPECTION. HE IS DELIVERING HOME GOODS TO A HOUSE IN BALDWIN CITY. DRIVER STATED HE HAD A LICENSE BUT HE LEFT IT AT THE SCALE HOUSE ON I35. HE PROVIDED ME WITH A MED CARD. THE DL USED TO GET THAT MED CARD IS AN ID ONLY THAT IS RESTRICTED AND HAS BEEN EXPIRED SINCE 03/19. HE DOES HAVE A VALID ID CARD ONLY IN MISSOURI. THE DRIVER DOES NOT HAVE THE LEASE AGREEMENT IN THE CMV WITH HIM. THE OWNER WAS CALLED AND HE DID NOT HAVE IT EITHER. I CALLED ENTERPRISE AND THE AGREEMENT WAS STILL VALID FROM 6/16 TO 7/7.

* 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 KAB ISSA "OUT OF SERVICE". No person and/or carrier shall permit and/or require this driver to operate any commercial vehicle until: until he is able to obtain a DL. 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: _____



DRIVER/VEHICLE EXAMINATION REPORT

Kansas Highway Patrol
Email: Khp.TruckInspection@KS.GOV
700 SW Jackson, Ste 704
Topeka, KS 66603
Phone: (785)296-7189 Fax: (785)296-2858

Report Number: KSSO83510266
Inspection Date: 07/05/2022
Start: 2:30 PM CT End: 3:30 PM CT
Inspection Level: I - Full
HM Inspection Type: None

Report Prepared By: ID/Badge #:
B. Johnson 8351

Copy Received By:
KAB ISSA

X

X



ATTACHMENT “C”

**REPORT AND RECOMMENDATION
TRANSPORTATION DIVISION**

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

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

DATE: August 10, 2022

SUBJECT: Docket No. 23-TRAM-149-PEN
In the Matter of the Investigation of NL Wilson Moving Inc. of Olathe, Kansas
Regarding the Violation of the Motor Carrier Rules and Regulations and the
Commission's Authority to Impose Penalties, Sanctions and/or the Revocation of
Motor Carrier Authority.

EXECUTIVE SUMMARY:

NL Wilson Moving Inc. (NL Wilson Moving or Carrier) is a motor carrier possessing common operating authority from the Commission, primarily hauling household goods. NL Wilson Moving operates under USDOT 1683198. On August 4, 2022, Commission Staff Special Investigator Matt Adams conducted a safety compliance review of the operations of NL Wilson Moving. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations, resulting in a recommended penalty of \$850.

DISCUSSION AND ANALYSIS:

On August 4, 2022, Commission Staff Special Investigator Matt Adams conducted a safety compliance review of the operations of NL Wilson Moving. As a result of this investigation, the special investigator identified three (3) violation(s) of the Motor Carrier Safety Regulations.

Violation One (1 of 3)

On July 5, 2022, NL Wilson Moving required or permitted its driver, Kab Issa, to operate a commercial motor vehicle, a 2021 Ford E350 straight truck, VIN ending in 03760, GVWR 12,600 lbs., in intrastate commerce between Lenexa, Kansas and Baldwin City, Kansas. The trip is evidenced by Driver/Vehicle Examination Report No. KSHP02551746. At the time of this transportation, NL Wilson Moving Company allowed Mr. Issa to operate a commercial motor vehicle with an expired driver's license. The Carrier's use of a driver that did not have a valid

United States commercial driver's license is in violation of 49 C.F.R. 391.11(b)(5), adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$250.

Violation Two (2 of 3)

During the transportation described in Violation One, above, NL Wilson Moving Company failed to conduct a pre-employment motor vehicle record check on Mr. Issa. NL Wilson Moving Company's failure to obtain an MVR on its driver and maintain the motor vehicle record in the driver qualification files pursuant to 49 C.F.R. 391.51 is a violation of 49 C.F.R. 391.23, adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$100.

Violation Three (3 of 3)

During the transportation described in Violation One, above, NL Wilson Moving Company operated a commercial motor vehicle for-hire prior to obtaining KCC operating authority. The carrier's commercial operations of commercial motor vehicles prior to obtaining and maintaining proper Commission authority is a violation of K.S.A. 66-1,111 and 49 C.F.R. 392.2, adopted by K.A.R. 82-4-3h, and authorized by K.S.A. 66-1,129. Staff recommends a fine of \$500.

RECOMMENDATION:

Transportation Staff recommends the Commission find NL Wilson Moving committed three (3) 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.

Additionally, Staff recommends a civil penalty of \$850 for three (3) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations, in accordance with the recommended penalties listed in the applicable Uniform Penalty Assessment Matrix.

Staff further recommends that a representative from NL Wilson Moving be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order, and provide Litigation Counsel with written proof of attendance. A schedule of the dates and locations for safety seminars can be found on the Commission's website at http://kcc.ks.gov/trans/safety_meetings.htm.

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

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

CERTIFICATE OF SERVICE

23-TRAM-149-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 and electronic service on 08/18/2022.

MARK DRIER JR, GENERAL MANAGER
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/S/ KCC Docket Room

KCC Docket Room