

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Paul**)
Jacob Diehl, Jr., d/b/a Diehl Farms, of)
Garden City, Kansas, Regarding the)
Violation of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission's) Docket No. 18-TRAM-427-PEN
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

ORDER AMENDING PENALTY ORDER

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

I. BACKGROUND

1. Paul Jacob Diehl, Jr., d/b/a Diehl Farms (Respondent) is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2983904.

2. On April 12, 2018, the Commission issued Respondent a Penalty Order assessing a \$1,500 penalty as a result of four (4) violations of the Kanas Motor Carrier Safety Regulations found during a Compliance Review conducted on March 27, 2018, by Transportation Division Special Investigator Michael McAvoy.

3. On May 9, 2018, Staff Filed a Motion to Amend the Penalty Order to remove the \$350.00 penalty alleged in paragraph 7(c) failure to maintain a complete driver qualification file on its driver(s), consisting of the driver's application, motor vehicle record from each state,

certificate of driver's road test, a note relating to the annual review of the driver's driving record, a list or certificate of violations, and the medical examiner's certificate is in violation of 49 C.F.R. 391.51(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129..

4. Staff states in its motion that after discussions between Respondent and Transportation Staff it was determined that the carrier's failure to maintain a driver qualification file on its CDL driver had been remedied.

II. FINDINGS AND CONCLUSIONS

5. The Commission finds it has jurisdiction over Respondent because it is a motor carrier as defined in K.S.A. 66-1,108.

6. Based on the available facts, the Commission finds that Staff's Motion to Amend Penalty Order to remove the penalty for failure to maintain a driver qualification file on its CDL driver should be granted.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) The Penalty Order issued on April 12, 2018, to Paul Jacob Diehl, Jr., d/b/a Diehl Farms, of Garden City, Kansas, is hereby amended to remove the previously assessed penalty of \$350.00, alleging the carrier failed to maintain a complete driver qualification file on its driver(s), consisting of the driver's application, motor vehicle record from each state, certificate of driver's road test, a note relating to the annual review of the driver's driving record, a list or certificate of violations, and the medical examiner's certificate is in violation of 49 C.F.R. 391.51(b), adopted by K.A.R. 82-4-3g, and authorized by K.S.A. 2016 Supp. 66-1,129..

(B) The parties have fifteen (15) days, plus three (3) days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2017 Supp. 77-529(a)(1).

(C) The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders as it may deem necessary and proper.

BY THE COMMISSION IT IS SO ORDERED.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 05/15/2018



Lynn M. Retz
Secretary to the Commission

AAL

CERTIFICATE OF SERVICE

18-TRAM-427-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of
05/16/2018
first class mail/hand delivered on _____.

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.latif@kcc.ks.gov

PAUL JACOB DIEHL, JR., OWNER
PAUL JACOB DIEHL, JR.
D/B/A DIEHL FARMS
804 PERSHING AVE
GARDEN CITY, KS 67846
statondiehl@yahoo.com

/S/ DeeAnn Shupe

DeeAnn Shupe