

**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     )  
**Baltazar G. Ruiz d/b/a Ruiz Trucking,**     )  
**of Garden City, KS,** Regarding the     )  
Violation(s) of the Motor Carrier Safety     ) Docket No. 22-TRAM-510-PEN  
Statutes, Rules and Regulations and the     )  
Commission's 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. Baltazar G. Ruiz d/b/a Ruiz Trucking of Garden City, Kansas (Carrier) is a motor carrier as defined in 49 C.F.R. 390.5 as adopted in K.A.R. 82-4-3f, which operates commercial motor vehicle(s) in intrastate commerce.

5. Carrier operates under USDOT Number 1458316.

6. On May 2, 2018, Carrier was issued a Certificate of Public Service to perform for-hire operations in the state of Kansas by the Commission.

7. Carrier attended a safety seminar conducted by Transportation Staff (Staff) on April 9, 2018 and November 18, 2019.

7. Staff Special Investigators Erica Pargas and Penny Fryback conducted a compliance review of the carrier which was completed on May 11, 2022. During the compliance review, Staff noted that Carrier's continued operations posed a danger to the motoring public. Staff findings included:

- a. Baltazar G. Ruiz, owner of Baltazar G. Ruiz d/b/a Ruiz Trucking is currently ineligible for a CDL as a result of previous DUI convictions and failure to submit to a test. Through Staff's investigation, it was revealed that although Mr. Ruiz is currently ineligible to drive, he continues to operate commercial motor vehicles (CMVs) using a fraudulent Mexican Driver's License. At the time of Staff's investigation, Mr. Ruiz provided investigators with a fraudulent Mexican Driver's License. The Federal Motor Carriers Safety Administration (FMCSA) reached out to the

Mexican Government to verify the authenticity of the Mexican Driver's License provided by Mr. Ruiz. The Mexican Government reported that they conducted a query on the license and received no returns after it was searched by Name, and Driver's License number. When searched by Driver's License number, results came back with another person's information.

- b. Carrier's driver, Jose Ramirez was placed out of service (OOS) on November 15, 2021 in Nebraska for operating a CMV with an E Restriction. Review of the driver's records of duty status revealed that although the driver was placed OOS, the driver continued to operate a CMV with a Manual Transmission until having his restriction lifted on December 6, 2021.
- c. Ruiz Trucking allowed or required driver Larry Snyder to operate in interstate commerce with an Intrastate Only CDL and while the driver was not medically examined.
- d. This investigation revealed numerous hours of service (HOS) violations including: False Records Of Duty Status, No Records of Duty Status, 70 Hour Violations, 11 Hour Violations, 14 Hour Violations, and failure to record the drivers Hours Of Service using an electronic logging device (ELD).
- e. Ruiz Trucking has had two (2) previous investigations in which the carrier has continued to have the following recurring violations: Failure to obtain annual motor vehicle records (MVRs), 11 Hour Violations, 14 Hour Violations, 70 Hour Violations, Incomplete Employment Applications, Form & Manner, and Failure to properly identify maintenance records.

8. On May 12, 2022, Staff asked the Commission find that 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.

9. Staff recommended the carrier have its intrastate motor carrier operations be suspended until they comply with the applicable motor carrier safety rules and regulations. Staff requested the Commission issue an order suspending Carrier's intrastate motor carrier authority operations 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, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

8. On May 16, 2022, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to comply with the applicable motor carrier safety statutes, rules and regulations.

### **III. CONCLUSIONS OF LAW**

9. 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.

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

11. 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, the Commission finds that Carrier's noncompliance after previously attending a safety seminar and failure to correct defects after multiple roadside inspections 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. Baltazar G. Ruiz d/b/a Ruiz Trucking, of Garden City, 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 is approved by Staff. 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, ordering Carrier to attend a Commission-sponsored safety seminar within the next ninety (90) days and provide Staff with written proof of attendance.

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: 05/19/2022



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Lynn M. Retz  
Executive Director

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**CERTIFICATE OF SERVICE**

22-TRAM-510-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 05/19/2022.

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