

J. Scott Koksall, Sup. Ct. # 20914
LINDNER, MARQUEZ & KOKSAL
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Before the State Corporation Commission of the State of Kansas

IN THE MATTER OF THE INVESTIGATION OF
CHARLES ETHAN BALL, d/b/a Cow Chow Express, of
Garden City, KS, Regarding the Violation of
the Motor Carrier Safety Statutes, Rules and Regulations and the Commission's Authority to
Impose Penalties, Sanctions and/or the
Revocation of Motor Carrier Authority

Docket N. 20-TRAM-173-PEN

REQUEST FOR HEARING
PURSUANT TO K.S.A. 77-534 AND 77-542

COMES NOW the movant and shows the Court:

1. That the Movant's name is Charles Ethan Ball and his mailing address is 3980 W. Parallel Road, Garden City, Kansas 67846.
2. The agency whose action is at issue is the Kansas Corporation Commission whose mailing address is 1500 SW Arrowhead Road, Topeka, Kansas, 66604-4027
3. The agency action at issue is the Penalty Order.
4. The following specific grounds upon which relief is sought are as follows:
 - a. Attachment "A" of the Penalty Order, said to be a copy of the safety compliance review is regarding an entirely different company and person interviewed. This attachment relates to The Irrigation Company LLC and an owner operator by the name of Paul A. Chowning.

b. Attachment “B” of the Penalty Order is, again, apparently from a different case and investigation, that being the The Irrigation Company LLC, US DOT # 2183964 and in no way is evidence of any violations committed by Charles Ethan Ball or the Cow Chow Express as stated in paragraph 7. a. of the Penalty Order.

c. Attachments “C”, “D” and “E” as referenced n paragraphs 7.b. c. and d. were not included in the Penalty Order received by Charles Ethan Ball.

5. Movant is unable to answer the allegations contained in the Penalty Order because they are not evidenced by any documents or investigation relating to him or his business. Furthermore, Movant is concerned his own confidential information may have been disseminated in the same faulty manner as for Mr. Chowning and the Irrigation Company, LLC.

6. Movant requests that the Penalty Order be vacated.

WHEREFORE, Movant prays that the Penalty Order issued by the State Corporation Commission of the State of Kansas (Commission) be vacated, or, in the alternative, that a hearing be scheduled on the Penalty Order and Attachments as served upon movant

/s/ J. Scott Koksals

J. Scott Koksals, Sup. Ct. # 20914
Attorney for Movant

CERTIFICATE OF MAILING

The undersigned does hereby certify that on the 16th day of December, 2019 the original Petition for Review was mailed, postage prepaid, and properly addressed to:

Lynn M. Retz
Executive Director
1500 SW Arrowhead Road
Topeka, Kansas 66604-4027
and
Ahsan A. Latif
Litigation Counsel
120 SW 10th Ave., 2nd Floor
Topeka, KS 66612-1597

/s/ J. Scott Koksall

J. SCOTT KOKSALL