

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **Gutz** )  
**Trucking LLC of Kansas City, Kansas,** )  
Regarding the Violation of the Motor ) Docket No. 25-TRAM-094-UCR  
Carrier Safety Statutes, Rules and )  
Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority. )

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS**

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Gutz Trucking LLC of Kansas City, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

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. 66-1,105, “[e]very order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and

the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.”

4. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in interstate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2562566.

6. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually.

7. On July 30, 2024, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2024 by January 1, 2024, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a, in this docket.<sup>1</sup> The Commission’s Penalty Order is incorporated herein by reference and made a part of this Order.

8. Carrier’s USDOT Profile was updated on May 23, 2023, by the filing of an MCS-150 form that lists its current physical and mailing address, phone number and email address. A copy of Carrier’s MCS-150 form was attached to the Commission’s Penalty Order and is hereby incorporated by reference.

9. Pursuant to K.S.A. 66-1,105, the Carrier was sent the Penalty Order via U.S. certified mail, return receipt requested, on July 30, 2024. According to Legal Staff, the Penalty Order was not returned, but no certified mail receipt was received. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the same address on December 11, 2024. The second

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<sup>1</sup>See Penalty Order (July 30, 2024).

attempt at service was also not returned. An affidavit of Kiley McManaman, Legal Assistant for Legal Staff is attached hereto as Attachment “A.” *See also* K.A.R. 82-1-216.

10. K.S.A. 66-1,105 states that “orders and decisions potentially resulting in a negative impact upon any motor carrier’s authority...shall be served by certified mail, return receipt requested.” Staff sent the Penalty Order to Carrier at its last known address by certified mail, return receipt requested. The Kansas Administrative Procedures Act at K.S.A. 77-613 states that service shall be made by “mailing a copy of it to them at their last known addresses” and further that “service by mail is complete upon mailing.” Staff also sent the Penalty Order by U.S. first class mail on December 11, 2024. “When a court is presented with a general statute and a specific statute governing the same circumstances, the court should attempt to read the statutes together in harmony with one another. If the statutes cannot be read in harmony, the specific statute will generally control over the general statute, unless a contrary intent is clearly expressed by the legislature.” *See In re Guardianship of Sokol*, 40 Kan. App. 2d 57, 63, 189 P.3d 526, 531 (2008).

11. The Carrier had 30 days from the date served, January 10, 2025, to pay the civil penalty of \$300.

12. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on January 14, 2025, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto.

13. As of February 17, 2025, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

14. Staff requests the Commission find that Carrier was properly served and received sufficient notice of the requirement to comply with the Penalty Order issued July 30, 2024, including written notice by the collection letter sent January 14, 2025.

15. Based on the presented facts herein, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300 as well as its 2024 UCR fees, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier.

Respectfully submitted,

*/s/ Ahsan A. Latif*

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Ahsan A. Latif, #24709  
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For Commission Staff

# **ATTACHMENT “A”**

**BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

In the Matter of the Investigation of **Gutz** )  
**Trucking LLC of Kansas City, Kansas**, Regarding )  
the Violation(s) of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 25-TRAM-094-UCR  
Commission’s Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor Carrier )  
Authority. )

**AFFIDAVIT OF KILEY MCMANAMAN**

I, Kiley McManaman, affiant, of lawful age, first being duly sworn upon oath, depose and say the following:

1. I have personal knowledge of the facts stated herein and they are all true and correct.
2. I am a Legal Assistant employed by the Kansas Corporation Commission’s Legal Division.
3. As of December 11, 2024, the Penalty Order with the certified mail receipt had not been returned undelivered, but no receipt was returned to me.
4. On December 11, 2024, I deposited the Penalty Order in U.S. first class mail. The Penalty Order has not been returned to me as undeliverable.
5. I have read the above information under penalty of perjury, that the information and records are true, correct and complete to the best of my knowledge.

FURTHER, Affiant sayeth not.

Kiley McManaman  
Kiley McManaman

02/17/2025

Date

**CERTIFICATE OF SERVICE**

25-TRAM-094-UCR

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on February 17, 2025.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
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Americo Perez-Gutierrez, OWNER  
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/S/ Kiley McManaman  
Kiley McManaman

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