

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

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

In the Matter of the Investigation of )  
**McDonald, LLC, d/b/a Corner Express of** )  
**Satanta, KS**, Regarding the Violation of the )  
Motor Carrier Safety Statutes, Rules and ) Docket No. 20-TRAM-523-PEN  
Regulations and the Commission's Authority )  
to Impose Penalties, Sanctions and/or the )  
Revocation of Motor Carrier Authority. )

**ORDER AMENDING PENALTY ASSESSMENT**

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:

**BACKGROUND**

1. On July 10, 2020, Staff filed a Motion for Order Amending Penalty Assessment, recommending the Commission assess Corner Express a reduced penalty of \$125, and set out specific terms and obligations.
2. On June 25, 2020, this Commission issued a Penalty Order to McDonald, LLC, d/b/a Corner Express (hereinafter Corner Express), assessing it a civil penalty of \$250. The penalty was for one (1) 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.
3. Corner Express was advised that it was a New Entrant motor carrier being reviewed for the first time, and may be eligible for a reduction of the penalty by fifty-percent

(50%), as long as it complies with the terms and obligations described in the Reduced Penalty Agreement.

4. Staff states that on July 8, 2020, Corner Express timely submitted the signed Reduced Penalty Agreement. A copy of the Reduced Penalty Agreement is attached hereto and incorporated herein. The carrier further submitted a Corrective Action Plan (CAP), which has been approved by Transportation Staff.

### **FINDINGS OF FACT**

5. The Penalty Order issued on June 25, 2020, assessed Corner Express a civil penalty of \$250 for one (1) violation(s) of the motor carrier safety statutes, rules and regulations.

6. Staff recommended in its Motion that due to Corner Express' agreement to comply with the terms and obligations for a reduced penalty and approval of its CAP, an Order Amending Penalty Assessment is recommended to be issued by the Commission assessing Corner Express a reduced penalty of \$125, and setting out the terms and obligations as stated in its motion.

7. K.S.A. 66-1,142c authorizes the Commission to determine the amount of civil penalty and states in pertinent part:

“Any civil penalty may be compromised by the state corporation commission. In determining the amount of the penalty or the amount agreed in compromise, the appropriateness of the penalty to the size of the business, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, shall be considered.”

8. Staff further recommended that Corner Express send a representative to a Commission-sponsored safety seminar. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17,

2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted

**IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The civil penalty of \$250 assessed to McDonald, LLC, d/b/a Corner Express in the Penalty Order dated June 25, 2020, is hereby amended to \$125.

B. Payment of \$125 is due within thirty (30) days from the date of service of this Order Amending Penalty Assessment. Payment must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

C. Corner Express is ordered to send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and submit proof of attendance to Litigation Counsel. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

D. Corner Express must submit to a follow-up compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact Corner Express to schedule the review.

E. If Corner Express fails to pay the reduced fine of \$125 and/or fails to comply with the terms and conditions ordered above, the Commission may order Corner Express additional

sanctions, including enforcement of an out-of-service order, revoking its authority or any further sanctions as the Commission deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 07/16/2020



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Lynn M. Retz  
Executive Director

AAL

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

Laura Kelly, Governor

## REDUCED PENALTY AGREEMENT

### 20-TRAM-523-PEN

McDonald, LLC, d/b/a Corner Express (Corner Express) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated June 25, 2020. Corner Express has agreed to comply with the following terms and obligations:

1. Corner Express has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Corner Express will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Corner Express will attend a Commission-sponsored safety seminar and provide the undersigned Litigation Counsel with proof of attendance. Due to Governor mandated social distancing and prohibitions on gathering of 50 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.
4. Corner Express will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

McDonald, LLC, d/b/a Corner Express understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$125, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Corner Express will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 8<sup>th</sup> day of July, 2020.

McDonald, LLC, d/b/a Corner Express

Robert S. McDonald  
Managing Member

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov).)

## **CERTIFICATE OF SERVICE**

20-TRAM-523-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 07/16/2020.

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/S/ DeeAnn Shupe  
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DeeAnn Shupe