

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

In the Matter of the Investigation of)
Cauthemoc S. Ortiz, d/b/a Ortiz)
Trucking of Garden City, Kansas,) Docket No. 13-TRAM-034-PEN
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.)

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 Cauthemoc S. Ortiz, d/b/a Ortiz Trucking of Garden City, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2112768.
3. On July 30, 2012, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$3,000 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Penny Fryback on June 27, 2012.
4. The Respondent was served with the Penalty Order via certified mail, return receipt requested, on August 2, 2012. A Proof of Service was filed in this docket on August 7, 2012. The Respondent had 30 days from the date served to pay the civil penalty of \$3,000.

5. On May 23, 2017, the Commission issued an Order Approving Stipulated Settlement Agreement wherein Respondent agreed to pay the \$3,000 penalty in installments, beginning April 30, 2017. Respondent paid a total of \$1,500 as of September 8, 2017, leaving a balance of \$1,500. It is delinquent for the months of June, July, August and September 2017.

6. Respondent was sent a collection letter on August 28, 2017, reminding it of the amounts due and giving it 10 days from the date of the collection letter to pay.

7. As of September 8, 2017, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Stipulated Settlement Agreement.

8. Staff asks the Commission find Respondent failed to comply with the Commission's approved Stipulated Settlement Agreement dated May 23, 2017.

9. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Stipulated Settlement Agreement poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

10. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the remainder of the penalty assessed of \$1,500, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

11. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations, and order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from

the date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ahsan A. Latif', is written over a horizontal line.

Ahsan A. Latif, #24709
Litigation Counsel
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Topeka, Kansas 66604
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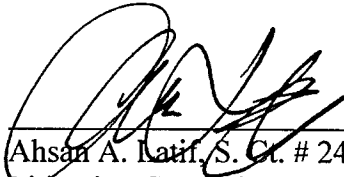
For Commission Staff

VERIFICATION

13-TRAM-034-PEN

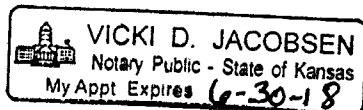
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

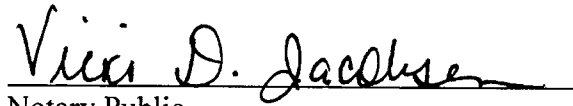
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 8th day of September, 2017.





Notary Public

My Appointment Expires: June 30, 2018

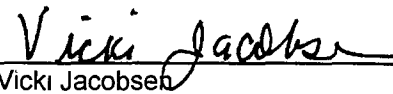
CERTIFICATE OF SERVICE

13-TRAM-034-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 8th day of September, 2017, to the following

CUAHTHEMOC S ORTIZ, OWNER
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Vicki Jacobsen