

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

In the Matter of the Investigation of **Dave's**)
Recycling, Inc. of Plainville, Kansas,)
Regarding the Violation of the Motor) Docket No. 17-TRAM-500-PEN
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 Dave's Recycling, Inc. of Plainville, 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 1433867.
3. On May 23, 2017, the Commission issued Respondent a Penalty Order that assessed a civil penalty to the Respondent of \$3,850 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Gregory Askren and Doug Handy on January 24, 2017.
4. The Respondent was served with the Penalty Order via certified mail, return receipt requested, on May 26, 2017. A Proof of Service was filed in this docket on June 1, 2017. The Respondent had 30 days from the date served to pay the civil penalty of \$3,850.

5. Respondent was sent a collection letter on June 29, 2017, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay.

6. As of July 12, 2017, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

7. Staff asks that the Commission find Respondent failed to comply with the Commission's Penalty Order dated May 23, 2017.

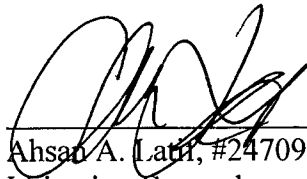
8. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

9. 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 penalty of \$3,850, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

10. 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,



Ahsan A. Latif, #24709
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For Commission Staff

VERIFICATION

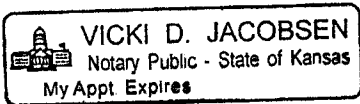
17-TRAM-500-PEN

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 12th day of July, 2017.



Vicki D. Jacobsen
Notary Public

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

17-TRAM-500-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Authority was served via electronic service this 12th day of July, 2017, to the following

ERIC PFEIFER, PRESIDENT
DAVE'S RECYCLING, INC
2330 R ROAD
PLAINVILLE, KS 67663-9210
davesrecycling@yahoo.com

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Vicki Jacobsen