

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

In the Matter of the Investigation of **Juan** )  
**Rosales, d/b/a El Hondureno Tow Service** )  
**of Kansas City, Kansas,** Regarding the ) Docket No. 11-TRAM-233-PEN  
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 Juan Rosales, d/b/a El Hondureno Tow Service of Kansas 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 1334527.
3. On September 30, 2010, the Commission issued Respondent a Penalty Order that assessed a civil penalty to the Respondent in the amount of \$1,500 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Larry Baumchen on June 2, 2010.
4. The Respondent was served with the Penalty Order via certified mail, return receipt requested, on October 4, 2010. A Proof of Service was filed in this docket on October 6,

2010. The Respondent had 30 days from the date served to pay the civil penalty amount of \$1,500.

5. Respondent paid \$933 toward the \$1,500 penalty assessed, leaving a balance remaining of \$507.

6. Respondent was sent a collection letter on March 13, 2017, reminding it of the amount due and giving Respondent 10 days from the date of the collection letter to pay.

7. As of March 24, 2017, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

8. Staff asks that the Commission find Respondent failed to comply with the Commission's Penalty Order dated September 30, 2010.

9. 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.

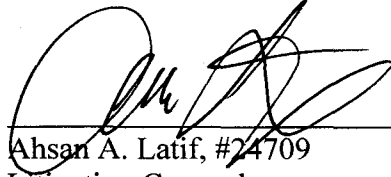
10. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's motor carrier operations in Kansas until such time as Respondent pays the remainder penalty of \$507, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

11. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order dated September 30, 2010, and for Respondent to provide Transportation Staff with written proof of attendance.

**WHEREFORE**, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's motor carrier operations in Kansas, and

order Respondent to pay the remainder penalty of \$507, and for it to attend a Commission-sponsored safety seminar ninety (90) from the date of the Order of Suspension, and for it to provide Transportation Staff 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

Kansas Corporation Commission

1500 SW Arrowhead Road

Topeka, Kansas 66604

(785) 271-3181 (Telephone)

(785) 271-3124 (Facsimile)

[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov) (E-mail)

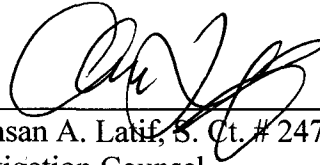
For Commission Staff

**VERIFICATION**

**11-TRAM-233-PEN**

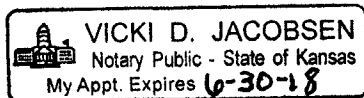
STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SHAWNEE            )

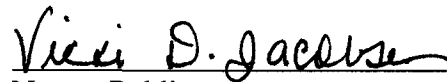
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations*, and attests that the 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 24<sup>th</sup> day of March, 2017.



  
\_\_\_\_\_  
Notary Public

My Appointment Expires: June 30, 2018


## CERTIFICATE OF SERVICE

11-TRAM-233-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 24th day of March, 2017, to the following:

JUAN ROSALES, OWNER  
JUAN ROSALES  
D/B/A EL HONDURENO TOW SERVICE  
201 N 10TH ST  
KANSAS CITY, KS 66102

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

  
\_\_\_\_\_  
Vicki Jacobsen