

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

In the Matter of the Investigation of)
American Logistics LLC of Leawood,)
Kansas, Regarding the Violation of the)
Motor Carrier Safety Statutes, Rules and) Docket No. 25-TRAM-118-PEN
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 American Logistics LLC of Leawood, 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 intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3475280. Carrier’s USDOT Profile was updated on March 1, 2024, 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 is attached hereto as Attachment “A” and is hereby incorporated by reference.

6. On August 8, 2024, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$1,400 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by a Staff Special Investigator from July 25 through 30, 2024. In the Penalty Order, the Carrier was ordered to pay the \$1,400 civil penalty within thirty (30) days of service, to attend a Commission-sponsored safety seminar within ninety (90) days of the date of the Penalty Order, and to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of the Penalty Order.

7. Pursuant to K.S.A. 66-1,105, the Carrier was sent the Penalty Order via U.S. certified mail, return receipt requested, on August 8, 2024. According to Legal Staff, the Penalty Order was returned as undelivered on October 29, 2024. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the same address on October 29, 2024. The second attempt at service as not returned. An affidavit of Ann Murphy, Administrative Assistant for Legal Staff is attached hereto as Attachment “B.” *See also* K.A.R. 82-1-216.

8. 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 October 29, 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).

9. The Carrier had 30 days from the date served, October 29, 2024, to pay the civil penalty of \$300.

10. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on November 20, 2024, 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 as Attachment “C” and is hereby incorporated by reference.

11. As of January 30, 2025, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

12. Staff requests the Commission find that Carrier received sufficient notice of the requirement to comply with the Penalty Order issued August 8, 2024, including written notice by the collection letter sent November 20, 2024.

13. Staff asks that the Commission find the Carrier failed to respond and has not complied with the Commission's Penalty Order, which is a violation of K.S.A. 66-1,105 and 66-1,142b.

14. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$1,400, require the Carrier to attend a Commission-sponsored safety seminar and submit a CAP that meets the approval of Transportation Staff, 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

Ahsan A. Latif, #24709
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
(785) 271-3124 (Facsimile)
ahsan.latif@ks.gov (E-mail)

For Commission Staff

ATTACHMENT “A”



MOTOR CARRIER IDENTIFICATION REPORT (Application for U.S. DOT NUMBER)

REASON FOR FILING (Check Only One)
 NEW APPLICATION BIENNIAL UPDATE OR CHANGES OUT OF BUSINESS NOTIFICATION REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER AMERICAN LOGISTICS LLC			2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME			
3. PRINCIPAL ADDRESS 2749 W 131ST TERRACE		4. CITY LEAWOOD	5. STATE/PROVINCE KANSAS	6. ZIP CODE + 4 66209	7. COLONIA (MEXICO ONLY)	
8. MAILING ADDRESS 2749 W 131ST TERRACE		9. CITY LEAWOOD	10. STATE/PROVINCE KANSAS	11. ZIP CODE+4 66209	12. COLONIA (MEXICO ONLY)	
13. PRINCIPAL BUSINESS PHONE NUMBER (913) 802-8122		14. PRINCIPAL CONTACT CELL PHONE NUMBER (913) 981-3905			15. PRINCIPAL BUSINESS FAX NUMBER	
16. USDOT NO. 3475280	17. MC OR MX NO. MC1138788	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# ██████████ SSN#			
20. INTERNET E-MAIL ADDRESS AMERICANLOGISTICS0819@GMAIL.COM			21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) 800000		YEAR 2024	

22. COMPANY OPERATION (Mark all that apply)
 A. Interstate Carrier B. Intrastate Hazmat Carrier C. Intrastate Non-Hazmat Carrier D. Interstate Hazmat Shipper E. Intrastate Hazmat Shipper F. Vehicle Registrant Only

23. OPERATION CLASSIFICATION (Circle All that Apply)
 A. Authorized For-Hire D. Private Passengers (Business) G. U. S. Mail J. Local Government
 B. Exempt For-Hire E. Private Passengers (Non-Business) H. Federal Government K. Indian Tribe
 C. Private Property F. Migrant I. State Government L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)
 A. GENERAL FREIGHT F. LOGS, POLES, BEAMS, LUMBER J. FRESH PRODUCE P. GRAIN, FEED, HAY V. COMMODITIES DRY BULK BB. CONSTRUCTION
 B. HOUSEHOLD GOODS G. BUILDING MATERIALS K. LIQUIDS/GASES Q. COAL/COKE W. REFRIGERATED FOOD CC. WATER WELL
 C. METAL; SHEETS; COILS; ROLLS H. MOBILE HOMES L. INTERMODAL CONT. R. MEAT X. BEVERAGES DD. OTHER **GENERAL FREIGHT**
 D. MOTOR VEHICLES I. MACHINERY, LARGE OBJECTS M. PASSENGERS S. GARBAGE, REFUSE, TRASH Y. PAPER PRODUCTS
 E. DRIVE AWAY/TOWAWAY O. LIVESTOCK U. CHEMICALS AA. FARM SUPPLIES Z. UTILITY

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE

C S A. DIV 1.1	B NB	C S K. DIV 2.2A (Ammonia)	B NB	C S U. DIV 4.2	B NB	C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB	C S L. DIV 2.3A	B NB	C S V. DIV 4.3	B NB	C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB	C S M. DIV 2.3B	B NB	C S W. DIV 5.1	B NB	C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB	C S N. DIV 2.3C	B NB	C S X. DIV 5.2	B NB	C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB	C S O. DIV 2.3D	B NB	C S Y. DIV 6.2	B NB	C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB	C S P. Class 3	B NB	C S Z. DIV 6.1A	B NB	C S JJ. ELEVATED TEMP MAT.	B NB
C S G. DIV 2.1	B NB	C S Q. Class 3A	B NB	C S AA. DIV 6.1B	B NB	C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB	C S R. Class 3B	B NB	C S BB. DIV 6.1 Poison	B NB	C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (Methane)	B NB	C S S. COM LIQ	B NB	C S CC. DIV 6.1 SOLID	B NB	C S MM. HAZARDOUS SUB(RQ)	B NB
C S J. DIV 2.2	B NB	C S T. DIV 4.1	B NB	C S DD. CLASS 7	B NB	C S NN. HAZARDOUS WASTE	B NB
				C S		C S OO. ORM	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus	Van		Limousine		
							Number of vehicles carrying number of passengers (including the driver) below								
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+
OWNED			4												
TERM LEASED															
TRIP LEASED															

27. DRIVER INFORMATION
INTERSTATE: Within 100-Mile Radius: 3, Beyond 100-Mile Radius: 0
INTRASTATE: 0, 0
TOTAL DRIVERS: 3, TOTAL CDL DRIVERS: 3

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes ___ No **X**
If Yes, enter your U.S. DOT Number. _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)
1. **JAIME GARCIA, CEO** (Please print Name)
2. **JAIME GARCIA, CEO** (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)
I, **JAIME GARCIA** (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.
Signature **JAIME GARCIA** Date **03/01/2024** Title **OWNER** (Please print)

ATTACHMENT “B”

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

In the Matter of the Investigation of **American**)
Logistics LLC of Leawood, Kansas, Regarding the)
Violation(s) of the Motor Carrier Safety Statutes,)
Rules and Regulations and the Commission’s) Docket No. 25-TRAM-118-PEN
Authority to Impose Penalties, Sanctions and/or)
the Revocation of Motor Carrier)
Authority.)

AFFIDAVIT OF ANN MURPHY

I, Ann Murphy, 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 an Administrative Assistant employed by the Kansas Corporation Commission’s Legal Division.
3. On October 29, 2024, the Penalty Order with the certified mail receipt was returned undelivered and had been addressed to: Jaime Garcia, 2749 W 131st Terrace, Leawood, Kansas.
4. On October 29, 2024, I also 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.

Ann Murphy

Ann Murphy

1/31/25

Date

ATTACHMENT “C”

November 20, 2024

American Logistics LLC
2749 W 131st Terrace
Leawood, KS 66209

Re: Docket No. 25-TRAM-118-PEN

In the Matter of the Investigation of **American Logistics LLC of Leawood, Kansas**, Regarding the Violation(s) 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.

On 8/8/2024, a Penalty Order was issued against American Logistics LLC for violations of motor carrier safety statutes, rules and regulations. The order required American Logistics LLC, within thirty (30) days of service of the Penalty Order, to do the following: (1) pay a civil penalty of \$1400; (2) submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff (Staff), documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and (3) have a representative of C&D Transport attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with written proof of attendance.

To date, American Logistics LLC has not completed all three of these actions.

This civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$1400 through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed. **Payment must be made within the next 10 days.**

Staff has not received and/or approved of a CAP submitted by American Logistics LLC. **Prepare a CAP and submit it to Transportation Division Deputy Director Jared Smith at Jared.L.Smith@ks.gov within the next 10 days.** If you have questions you can contact him at (785) 271-3284.

Staff does not have confirmation or proof of your attendance at a Commission-sponsored safety seminar. If you have attended a safety seminar, please submit proof of attendance to Ahsan.Latif@ks.gov. If you have not yet attended a safety seminar, **sign up to attend one within the next 10 days.** A schedule of dates and locations for safety seminars can be found at the Commission's website http://www.kcc.state.ks.us/trans/safety_meetings.htm.

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

1500 SW Arrowhead Road
Topeka, KS 66604-4027



Phone: 785-271-3100
Fax: 785-271-3354
<http://kcc.ks.gov/>

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
ahsan.latif@ks.gov

CERTIFICATE OF SERVICE

25-TRAM-118-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on January 31, 2025.

JAIME GARCIA, CEO
AMERICAN LOGISTICS LLC
2749 W 131ST TERRACE
LEAWOOD, KS 66209
americanlogistics0819@gmail.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
ahsan.latif@ks.gov

/S/ Kiley McManaman
Kiley McManaman
