

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

In the Matter of the Investigation of **Weber Farms Inc d/b/a WFI of Wathena, Kansas**, 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. )  
Docket No. 25-TRAM-059-UCR

**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 Weber Farms Inc d/b/a WFI of Wathena, 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 interstate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2342179.

6. Pursuant to K.S.A. 66-1,139a and K.A.R. 82-4-30a, motor carriers operating interstate commerce must pay Unified Carrier Registration (UCR) fees annually.

7. On July 23, 2024, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$300 for failure to pay the Unified Commercial Registration (UCR) fees for 2024 by January 1, 2024, as required by 49 C.F.R. 367.40 and adopted by K.A.R. 82-4-30a, in this docket.<sup>1</sup> The Commission’s Penalty Order is incorporated herein by reference and made a part of this Order.

8. Carrier’s USDOT Profile was updated on August 2, 2023, 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 was attached to the Commission’s Penalty Order and is hereby incorporated by reference.

9. Pursuant to K.S.A. 66-1,105, the Carrier was sent the Penalty Order via U.S. certified mail, return receipt requested, on July 23, 2024. According to Legal Staff, the Penalty Order was returned as undelivered on September 4, 2024. Staff reviewed the Carrier’s listing on the Kansas Secretary of State’s website and found a different address is associated with the Carrier. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the new address on

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<sup>1</sup>See Penalty Order (Jul. 23, 2024).

September 4, 2024. The second attempt at service was not returned. An affidavit of Ann Murphy, Administrative Assistant for Legal Staff is attached hereto as Attachment “A.” *See also* K.A.R. 82-1-216.

10. K.S.A. 66-1,105 states that “orders and decisions potentially resulting in 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 September 4, 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).

11. The Carrier had 30 days from the date served, September 4, 2024, to pay the civil penalty of \$300.

12. Carrier was sent a collection letter to the mailing address listed on the Kansas Secretary of State Business Search website on October 30, 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.

13. As of November 13, 2024, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

14. Staff requests the Commission find that Carrier was properly served and received sufficient notice of the requirement to comply with the Penalty Order issued July 23, 2024, including written notice by the collection letter sent August 23, 2024.

15. Based on the presented facts herein, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier pays the penalty of \$300 as well as its 2024 UCR fees, 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*

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Ahsan A. Latif, #24709  
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For Commission Staff

# **ATTACHMENT “A”**

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

In the Matter of the Investigation of Weber Farms )  
Inc d/b/a WFI, of Wathena, Kansas, Regarding )  
the Violation(s) of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 25-TRAM-059-UCR  
Commission’s 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 September 4, 2024, the Penalty Order with the certified mail receipt was returned undelivered and had been addressed to: Derek Weber, Owner at 1371 Runnymede Rd, Wathena, Kansas 66090. I reviewed the database available to me, the Kansas Secretary of State Business Search website and determined a new address was associated with the Carrier. The new address is: 1227 Peck Road, Troy, Kansas 66087-4270.
4. On September 4, 2024, I also deposited the Penalty Order in U.S. first class mail addressed to the new address. 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*

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Ann Murphy

*11-20-24*

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Date

October 30, 2024

Weber Farms Inc d/b/a WFI  
1227 Peck Road  
Troy, KS 66087-4270

Re: Docket No. 25-TRAM-059-UCR  
In the Matter of the Investigation of **Weber Farms Inc d/b/a WFI of Wathena, 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 July 23, 2024, a Penalty Order was issued against Weber Farms Inc d/b/a WFI for violations of motor carrier safety statutes, rules and regulations. The order required two things to be completed: first it assessed it a civil penalty of \$300 and second it ordered you to remit payment of your outstanding 2024 UCR fees.

To date, this civil penalty has not been paid and/or the 2024 UCR fees remain unpaid. According to our records, evidence has not 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 \$300, 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.

In addition to payment of the penalty, the Commission order required payment of outstanding UCR fees for 2024. As soon as possible, remit payment of UCR fees for 2024 through the UCR payment portal available at [www.ucr.gov](http://www.ucr.gov).

**Payment of both the penalty and the unpaid UCR fees must be made within the next 10 days.**

**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.**

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call the Transportation Division at (785) 271-3145.

Respectfully,

*/s/ Ahsan A. Latif*

Ahsan A. Latif  
Litigation Counsel  
[ahsan.latif@ks.gov](mailto:ahsan.latif@ks.gov)



**CERTIFICATE OF SERVICE**

25-TRAM-059-UCR

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on November 21, 2024.

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604  
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Em Weber, CEO  
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/S/ Kiley McManaman  
Kiley McManaman

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