

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

In the Matter of the Investigation of **Gorilla**)
Construction LLC d/b/a Eric Molz of)
Kiowa, Kansas, Regarding the Violation of)
the Motor Carrier Safety Statutes, Rules and) Docket No. 25-TRAM-171-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 Gorilla Construction LLC d/b/a Eric Molz of Kiowa, 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 2462433. Carrier’s USDOT Profile was updated on January 13, 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 October 31, 2024, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$2,350 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by a Staff Special Investigator on August 1, 2024. In the Penalty Order, the Carrier was ordered to pay the \$2,350 civil penalty within thirty (30) days of service, to attend a Commission-sponsored safety seminar within thirty (30) 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. The Carrier was served with the Penalty Order via certified mail, return receipt requested, on November 4, 2024. A Proof of Service was filed in this docket on November 20, 2024. The Carrier had 30 days from the date served to pay the civil penalty of \$2,350, 30 days from the date of the Penalty Order to attend a Commission-sponsored safety seminar and 30 days from the date of the Penalty Order to submit a CAP.

8. The Carrier attended a Commission-sponsored safety seminar on October 7, 2024 and submitted payment of the \$2,350 civil penalty on November 15, 2024. To date, however, the Carrier has failed to submit a CAP that has been approved by Transportation Staff.

9. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on November 20, 2024, reminding it of the obligation to submit a CAP giving it 10 days from the date of the collection letter to do so. A copy of the collection letter is attached hereto as Attachment "B" and is hereby incorporated by reference.

10. As of January 29, 2025, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

11. Staff requests the Commission find that Carrier received sufficient notice of the requirement to comply with the Penalty Order issued October 31, 2024, including written notice by the collection letter sent November 20, 2024.

12. Staff asks that the Commission find 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.

13. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier submits 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.

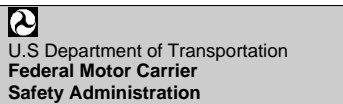
Respectfully submitted,

/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 GORILLA CONSTRUCTION LLC		2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME ERIC MOLZ			
3. PRINCIPAL ADDRESS 614 MAIN ST		4. CITY KIOWA	5. STATE/PROVINCE KANSAS	6. ZIP CODE + 4 67070-1506	7. COLONIA (MEXICO ONLY)
8. MAILING ADDRESS 614 MAIN ST		9. CITY KIOWA	10. STATE/PROVINCE KANSAS	11. ZIP CODE+4 67070-1506	12. COLONIA (MEXICO ONLY)
13. PRINCIPAL BUSINESS PHONE NUMBER (620) 825-4776		14. PRINCIPAL CONTACT CELL PHONE NUMBER (620) 886-1817		15. PRINCIPAL BUSINESS FAX NUMBER (620) 825-4029	
16. USDOT NO. 2462433	17. MC OR MX NO. MC857436	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# [REDACTED] SSN#		
20. INTERNET E-MAIL ADDRESS GORILLACONSTRUCTION2011@GMAIL.COM			21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR 150803 2023		

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	<input checked="" type="radio"/> 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	<input checked="" type="radio"/> OTHER ROCK/SAND/AGGREGA
D. MOTOR VEHICLES	<input checked="" type="radio"/> MACHINERY, LARGE OBJECTS	M. PASSENGERS	S. GARBAGE, REFUSE, TRASH	Y. PAPER PRODUCTS	
E. DRIVE AWAY/TOWAWAY		N. OIL FIELD EQUIPMENT	T. U.S. MAIL	Z. UTILITY	
		O. LIVESTOCK	U. CHEMICALS	AA. FARM SUPPLIES	

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	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			5	9											
TERM LEASED															
TRIP LEASED															

27. DRIVER INFORMATION

INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
Within 100-Mile Radius	4	0	4
Beyond 100-Mile Radius	0	0	

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. **ERIC MOLZ, OWNER** 2. _____
(Please print Name) (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, **ERIC MOLZ** (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 **ERIC MOLZ** Date **01/13/2024** Title **OWNER** (Please print)

ATTACHMENT “B”

November 20, 2024

Gorilla Construction LLC
614 Main St
Kiowa, KS 67070

Re: Docket No. 25-TRAM-171-PEN
In the Matter of the Investigation of **Gorilla Construction LLC of Kiowa, 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 10/31/2024, a Penalty Order was issued against Gorilla Construction LLC for violations of motor carrier safety statutes, rules and regulations. The order required Gorilla Construction LLC, within thirty (30) days of service of the Penalty Order, to do the following: (1) pay a civil penalty of \$2350; (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, Gorilla Construction LLC has not completed one of these actions.

Staff has not received and/or approved of a CAP submitted by Gorilla Construction 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.

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 me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

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

CERTIFICATE OF SERVICE

25-TRAM-171-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 29, 2025.

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

ERIC MOLZ, OWNER
GORILLA CONSTRUCTION LLC
D/B/A Eric Molz
614 MAIN STREET
KIOWA, KS 67070-1506
gorillaconstruction2011@gmail.com

/S/ Kiley McManaman
Kiley McManaman
