

# STATE OF KANSAS

20181204122708  
Kansas Corporation Commission

CORPORATION COMMISSION  
1500 SW ARROWHEAD ROAD  
TOPEKA, KS 66604-4027



PHONE: 785-271-3100  
FAX: 785-271-3354  
<http://kcc.ks.gov/>

GOVERNOR JEFF COLYER, M.D.

SHARI FEIST ALBRECHT, CHAIR | JAY SCOTT EMLER, COMMISSIONER | DWIGHT D. KEEN, COMMISSIONER

## NOTICE OF PENALTY ASSESSMENT

December 4, 2018

19-TRAM-206-PEN

Alejandro Gonzalez, Owner  
d/b/a Gonzalez Repair Tow  
165 N Normandy Drive  
Olathe, KS 66061

This is a notice of a penalty assessment against Alejandro Gonzalez, d/b/a Gonzalez Repair Tow (Gonzalez Repair Tow) for violation(s) of Kansas Motor Carrier Safety Statutes, Rules, and Regulations discovered during a compliance review conducted on October 26, 2018, by Kansas Corporation Commission Special Investigators Jared Smith and Verna Jackson. Penalties are assessed in accordance with the FY 2019 Uniform Penalty Assessment Matrix, approved by the Commission on August 7, 2018. For a full description of the penalty(s) and terms and obligations please refer to the Order attached to this notice.

**IF YOU ACCEPT THE PENALTY:** Gonzalez Repair Tow has been assessed a \$300 penalty. You have thirty (30) days from the date of service of the Penalty Order to pay the penalty. Please remit payment of \$300, through your personal account with the Kansas Corporation Commission's KTRAN system 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.

The attached Order requires a representative of Gonzalez Repair Tow to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order and to provide the undersigned Litigation Counsel with written proof of attendance. 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](http://www.kcc.state.ks.us/trans/safety_meetings.htm). The Order also requires your company to submit to one follow-up safety compliance review within 18 months from the date of the Order. Transportation Staff will contact your company at a later date to determine an appropriate time for this review.

**IF YOU CONTEST THE PENALTY ORDER: You have the right to request a hearing.** A request for hearing must be made in writing, setting forth the specific grounds upon which relief is sought. Gonzalez Repair Tow must file, within fifteen (15) days from the date of service of this Order, the request for hearing with the Commission's electronic filing system found at <https://puc.kcc.ks.gov/e-filing/e-express/>, and mail a copy of the request for hearing to the undersigned at the above address. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy to the undersigned Litigation Counsel. K.A.R. 82-1-215; K.S.A. 2017 Supp. 77-542.

**IF YOU FAIL TO ACT:** Failure to pay the penalty of \$300 within thirty (30) days from the date of service of the Penalty Order or failure to comply with the terms of the Order, or in the alternative, failure to provide a timely written request for a hearing, will result in the Order becoming final and may result in additional sanctions of suspension and/or revocation of your motor carrier operating authority.

Respectfully,

A blue ink signature of Ahsan A. Latif is written over the name and title.

Ahsan A. Latif  
Litigation Counsel  
(785) 271-3118

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

Before Commissioners:      Shari Feist Albrecht, Chair  
   Jay Scott Emler  
   Dwight D. Keen

In the Matter of the Investigation of **Alejandro**    )  
**Gonzalez, d/b/a Gonzalez Repair Tow, of**    )  
**Olathe, KS,** Regarding the Violation of the    )  
Motor Carrier Safety Statutes, Rules and    ) Docket No. 19-TRAM-206-PEN  
Regulations and the Commission's Authority to    )  
Impose Penalties, Sanctions and/or the    )  
Revocation of Motor Carrier Authority.    )

**PENALTY ORDER**

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission). Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

**I.      JURISDICTION**

1.      Pursuant to K.S.A. 2017 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2017 Supp. 66-1,108, 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. 2017 Supp. 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. The Commission has the authority, pursuant to K.A.R. 82-1-237, to investigate an entity under the Commission's jurisdiction and issue an order on the Commission's own motion when the Commission believes the entity is in violation of the law or any order of the Commission.

## **II. BACKGROUND**

4. Alejandro Gonzalez, d/b/a Gonzalez Repair Tow (Gonzalez Repair Tow) has private and common operating authority with the Commission and further operates USDOT number 1895590.

5. Alejandro Gonzalez attended a Commission-sponsored Motor Carrier Education and Safety Instructional Meeting on July 19, 2016, on behalf of Gonzalez Repair Tow.

6. Gonzalez Repair Tow is a private and common motor carrier which primarily hauls motor vehicles.

## **III. STATEMENT OF FACTS**

7. Pursuant to the jurisdiction and authority cited above, on October 26, 2018, Commission Staff (Staff) Special Investigators Jared Smith and Verna Jackson conducted a safety compliance review of the operations of Gonzalez Repair Tow. A copy of the safety compliance review is included in this Penalty Order as Attachment "A" and is hereby incorporated by reference. As a result of this investigation, the special investigators identified one (1) violation(s) of the Motor Carrier Safety Regulations.

- a. On October 8, 2018, Gonzalez Repair Tow required or permitted its driver, Alejandro Gonzalez, to operate a commercial motor vehicle, a 1993

Ford, VIN ending in 0471, GVWR 15,000 lbs., in interstate commerce from Olathe, Kansas to Independence, Missouri. This trip is evidenced by Bill of Lading, dated October 8, 2018, a copy of which is attached hereto as Attachment “B” and is hereby incorporated by reference. At the time of this transportation, Gonzalez Repair Tow had not paid its 2018 Unified Carrier Registration (UCR) fee to operate over the highways of the United States. The carrier’s failure to annually register its commercial motor vehicle(s) operating in interstate commerce over the highways of this state and to pay the appropriate UCR fees as set out in 49 C.F.R. 367.30, is a violation of K.A.R. 82-4-30a, authorized by K.S.A. 2017 Supp. 66-1,139a and K.S.A. 2017 Supp. 66-1,129. Staff recommends a fine of \$300.

#### **IV. STAFF’S RECOMMENDATIONS**

8. Based upon the available facts, Staff recommends the Commission finds Gonzalez Repair Tow committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

9. Additionally, Staff recommends a civil penalty of \$300 for one (1) violation(s) of the Motor Carrier Safety Statutes, Rules and Regulations.

10. Staff further recommends that a representative from Gonzalez Repair Tow be required to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and provide Litigation Counsel with written proof of attendance. A schedule of the

dates and locations for safety seminars can be found on the Commission's website at [http://kcc.ks.gov/trans/safety\\_meetings.htm](http://kcc.ks.gov/trans/safety_meetings.htm).

11. Finally, Staff recommends that Gonzalez Repair Tow submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the motor carrier at a later date to determine an appropriate time for this review.

## **V. CONCLUSIONS OF LAW**

12. The Commission finds it has jurisdiction over Gonzalez Repair Tow because it is a motor carrier as defined in K.S.A. 2017 Supp. 66-1,108.

13. The Commission finds Gonzalez Repair Tow committed one (1) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations, and is therefore subject to sanctions or fines imposed by the Commission.

### **THE COMMISSION THEREFORE ORDERS THAT:**

A. Alejandro Gonzalez, d/b/a Gonzalez Repair Tow, of Olathe, KS is hereby assessed a \$300 civil penalty for one (1) violation(s) of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

B. Gonzalez Repair Tow is hereby ordered to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order, and is to provide Litigation Counsel with written proof of attendance.

C. Gonzalez Repair Tow is ordered to submit to one follow-up safety compliance review within eighteen (18) months from the date of this Order. Transportation Staff will contact the carrier to set up the appointment.

D. Pursuant to K.S.A. 2017 Supp. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issue(s) by submitting a written request setting forth the specific grounds upon which relief is sought. The request may be electronically filed with the Commission's electronic filing system at <https://puc.kcc.ks.gov/e-filing/e-express/>, within fifteen (15) days from the date of service of this Order, and a copy of the request mailed to the Litigation Division. If you do not have access to the internet, you can mail an original and seven copies of the request to the Secretary to the Commission, at 1500 S.W. Arrowhead Road, Topeka, Kansas 66604, and mail a copy of the request to Litigation Counsel. A hearing will be scheduled only upon written request. Failure to timely request a hearing will result in a waiver of Gonzalez Repair Tow's right to a hearing, and this Penalty Order will become a Final Order assessing a \$300 civil penalty against Gonzalez Repair Tow, and ordering a representative from Gonzalez Repair Tow to attend a Commission-sponsored safety seminar within ninety (90) days from the date of this Order and provide Litigation Counsel with written proof of attendance, and to submit to a safety compliance review within 18 months from the date of this Order.

E. If a request for hearing is filed, attorneys for all parties shall enter their appearances in Commission proceedings by giving their names and addresses for the record. For civil penalties exceeding \$500, a corporation shall appear before the Commission by its attorney, unless waived by the Commission for good cause shown and a determination that such waiver is in the public interest. K.S.A. 77-515(c); K.A.R. 82-1-228(d)(2); K.A.R. 82-1-202(a). For civil

penalties less than \$500, a corporation may appear by a duly authorized representative of the corporation. K.S.A. 2017 Supp. 66-1,142b(e) and amendments thereto.

F. If you do not request a hearing, the payment of the civil penalty of \$300 is due in thirty (30) days from the date of service of this Order. Payment of \$300 must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty.

G. Failure to pay the \$300 civil penalty within thirty (30) days from the date of service of this Penalty Order, *see* K.S.A. 66-1,105, and/or failure to comply with the provisions of this Order, may result in suspension of Gonzalez Repair Tow's motor carrier operating authority without further notice. Additionally, the Commission may impose further sanctions to include, but not limited to, the issuance and enforcement of revocation of authority and/or cease and desist orders, and any other remedies available to the Commission by law, without further notice.

H. The Commission retains jurisdiction over the subject matter and the parties for the purpose of entering such further orders, as necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 12/04/2018










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Lynn M. Retz  
Secretary to the Commission

AAL




## **ATTACHMENT “A”**



	US DOT # 1895590	Legal: ALEJANDRO GONZALEZ Operating (DBA): GONZALEZ REPAIR TOW			
MC/MX #: 8938		Federal Tax ID:  (EIN)			
Review Type: Non-ratable Review - CSA					
Scope: Terminal		Location of Review/Audit: CSA Off-site		Territory:	
Operation Types		Interstate	Intrastate		
Carrier:	HM	N/A	Business: Corporation		
Shipper:	N/A	N/A	Gross Revenue:  for year ending: 12/31/2017		
Cargo Tank:	N/A				
Company Physical Address:					
 OLATHE, KS 66061					
Contact Name: Alejandro Gonzalez					
Phone numbers: (1) 		Fax			
E-Mail Address: 					
Company Mailing Address:					
 OLATHE, KS 66061					
Carrier Classification					
Authorized for Hire		Private Property			
Cargo Classification					
Motor Vehicles					
Hazardous Materials					
9 Miscellaneous HM		Carried	Non-Bulk		
Equipment					
	Owned	Term Leased	Trip Leased	Owned	Term Leased Trip Leased
Truck	1	0	0		
Power units used in the U.S.: 1					
Percentage of time used in the U.S.: 100					
Does carrier transport placardable quantities of HM? No					
Is an HM Permit required? N/A					
Driver Information					
	Inter	Intra	Average trip leased drivers/month: 0		
< 100 Miles:			Total Drivers: 1		
>= 100 Miles:	1		CDL Drivers:		



	<b>GONZALEZ REPAIR TOW (ALEJANDRO GONZALEZ dba) - Terminal</b> U.S. DOT # 1895590	Review Date: 10/26/2018
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**Part A**

QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at

**This TERMINAL REVIEW deals only with safety compliance at this terminal.**

**Person(s) Interviewed**


**Name:** Alejandro Gonzalez

**Title:** Owner

**Name:**

**Title:**



	<b>GONZALEZ REPAIR TOW (ALEJANDRO GONZALEZ dba) - Terminal</b>	<b>Review Date</b>
	U.S. DOT # 1895590	10/26/2018

**Part B Violations**

1 FEDERAL	Primary 367.30	Discovered 1	Checked 1	Drivers/Vehicles In Violation    Checked
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**Description**  
Failed to pay Unified Carrier Registration (UCR) fee

**Example**  
On October 8, 2018 Alejandro Gonzalez dba Gonzalez Repair Tow had driver Alejandro Gonzalez (KS DL# [REDACTED]) operate a 1993 Ford (VIN # [REDACTED] 0471.) This vehicle has a gross vehicle weight rating of 15,000 lbs. Driver Alejandro Gonzalez operated in commerce on a for-hire basis from Olathe, Kansas to Independence Missouri. This trip is evidenced by a tow invoice. At the time of this trip and time of this review carrier was found to be in violation of failing to pay UCR.

<b>Safety Fitness Rating Information:</b>		<b>OOS Vehicle (CR): 0</b>	
Total Miles Operated	6,000	<b>Number of Vehicle Inspected (CR): 0</b>	
Recordable Accidents	0	<b>OOS Vehicle (MCMIS): 0</b>	
		<b>Number of Vehicles Inspected (MCMIS): 0</b>	

Your proposed safety rating is :

**This Review is not Rated.**





**GONZALEZ REPAIR TOW (ALEJANDRO GONZALEZ dba) - Terminal**  
U.S. DOT # 1895590

Review Date:  
10/26/2018

## **Safety Management Process Breakdowns and Remedies**

1. FMCSA recently announced planned improvements to the Carrier Safety Measurement System (SMS) which was implemented in December 2010 as part of the Agency's broader Compliance, Safety, Accountability (CSA) initiative. A preview of these improvements is currently available to motor carriers. The system changes are scheduled to be available to the public in July 2012. There will be additional opportunity for public comment on the changes after the preview period ends in July 2012.

The improvements to SMS are based on ongoing analysis and feedback from enforcement personnel, the motor carrier industry, and other stakeholders. The changes more effectively identify and prioritize high-risk and other unsafe motor carriers for enforcement interventions designed to reduce commercial motor vehicle crashes and hazardous materials incidents.

Motor carrier's currently have the ability to preview how the improvements impact their individual safety data in SMS. These improvements include (1) Changes to the SMS methodology that identify higher risk carriers while addressing industry biases, (2) better applications of SMS results for Agency interventions by more accurately identifying safety sensitive carriers (i.e., carriers transporting people and carriers hauling hazardous materials (HM)), so that such firms can be selected for CSA interventions at more stringent levels, and, (3) more specific fact-based displays of SMS results on the SMS Web site.

The data preview may be found at <http://csa.fmcsa.dot.gov/>. During the data preview period, the Agency requests comments on the impacts of the changes.

2. For all Investigations:

- **Understand Why Compliance Saves Time and Money** Compliance with FMCSRs will not only save lives, but also saves your business time and money. Tracking how much your business spends on non-compliance activities can help you understand the many benefits of compliance to your business and why safety is good business.

**Document and Follow Through on Action Plans** Document and follow through on action plans to ensure the actions you are taking are creating improvement in safety management and compliance.

- **NOTICE** A pattern and/or repeated violations of the same or related acute or critical regulations (violations of the same Part in Title 49, Code of Federal Regulations) will cause the maximum penalties allowed by law to be assessed under Section 222 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA). A pattern of violations means two or more violations of acute and/or critical regulations in three or more Parts of Title 49, Code of Federal Regulations discovered during any eligible investigation. Repeated violations means violation(s) of an acute regulation of the same Part of Title 49, Code of Federal Regulations discovered in an investigation after one or more closed enforcement actions within a six year period and/or violation(s) of a critical regulation in the same Part of Title 49, Code of Federal Regulations discovered in an investigation after two or more closed enforcement actions within a six year period.

- **NOTICE** 49 CFR Part 391.23 requires prospective employers to, at a minimum, investigate a driver's employment information, crash record, and alcohol and controlled substances history from all employers the driver worked for within the previous 3 years.


The Pre-Employment Screening Program (PSP) is a screening tool that assists motor carriers in investigating crash history and roadside safety performance of prospective drivers. The PSP allows motor carriers to purchase 5 years of crash data and 3 years of roadside inspection data from the Federal Motor Carrier Safety Administration's (FMCSA) Motor Carrier Management Information System (MCMIS). Records are available 24 hours a day via Web request. Motor carriers should visit the following website for more information <http://www.psp.fmcsa.dot.gov/Pages/default.aspx>

- All motor carriers and truck drivers are needed to fight against terrorism and hijacking. You could be a target. Protect yourself, your trucks, your cargo, and your facilities.

For all Investigations that did not result in a Cooperative Safety Plan.

The KCC requires that you prepare a corrective action letter, addressing the measures taken to correct the violations identified within this report. Submit this letter within 30 days outlining the carrier's updated changes to their



	<b>GONZALEZ REPAIR TOW (ALEJANDRO GONZALEZ dba) - Terminal</b> U S. DOT # 1895590	Review Date: 10/26/2018
<b>Safety Management Process Breakdowns and Remedies</b>		

policies and procedures regarding all listed violations. Explain in detail how, as a carrier representative, you will rectify these deficiencies and prevent their reoccurrence going forward. Include any supporting documentation and evidence as indicated in the recommendations above, (example: vehicle inspections performed, proof of drug and alcohol testing in place, etc.) necessary to prove that corrective action has been taken. Mail the letter along with copies of your supporting evidence to:

Kansas Corporation Commission  
Attn. Gary Davenport  
1500 SW Arrowhead Rd  
Topeka, KS 66604-4027

3. Carrier is required to pay Unified Carrier Registration (UCR) fee when operating in Interstate commerce. Payment of UCR is available on your KTRAN account.
4. I acknowledge that these requirements and/or recommendations have been discussed with me and my questions have been answered. I understand that failure to satisfactorily remedy the above-listed requirements, and/or failure to comply with Kansas Motor Carrier Safety Statutes and Regulations could result in the suspension of Alejandro Gonzalez Tow's operating authority and/or the impoundment of Alejandro Gonzalez dba Gonzalez Tow's Repair commercial motor vehicles.

\_\_\_\_\_  
Carrier Representative

\_\_\_\_\_  
Date





## **ATTACHMENT “B”**



12 Repair -  
 W Dennis -  
 HE KS - 66061  
 [REDACTED] -

NAME

ADDRESS

CITY, STATE, ZIP

2ND AUTHORIZED NAME

[illegible]

RECEIVED (DATE & TIME) A.M.  
10-8-18 P.M.  
YEAR • MAKE • MODEL

**CUSTOMER'S ORDER**

YEAR • MAKE • MODEL

00 SATURN	
LICENSE NO.	ODOMETER

ODOMETER

☐ LUBE ☐ OIL CHANGE ☐ FLUSH TR

CHARGE FOR HAZARDOUS OR

**TOTAL PARTS**

## MECHANICS RECOMMENDATIONS

METHOD OF PAYMENT:

☐ CHECK      ☐ CHARGE  
☐ CASH

Daily Storage fee after completed and customer charges shall accrue or to period of 3 working days.

LABOR

☐ FLAT RATE    ☐ HOURLY  
☐ BOTH

GUARANTEED ITEM(S) \_\_\_\_\_

☐ RETAIN PARTS☐ DESTROY PARTS

**GUARANTEE EFFECTIVE 1**

TIME \_\_\_\_\_

MILEAGE \_\_\_\_\_

**AUTHORIZED BY**

READ CAREFULLY, CHECK ONE OF THE STATEMENTS BELOW, AND SIGN:  
 STAND THAT, UNDER STATE LAW, I AM ENTITLED TO A WRITTEN ESTIMATE,  
 NG A COMPLETION DATE, IF MY FINAL BILL WILL EXCEED \$100. (\$50 in MD)  
 REQUEST A WRITTEN ESTIMATE. THE FINAL BILL MAY NOT EXCEED THIS  
 TIMATE WITHOUT MY WRITTEN APPROVAL.

DO NOT REQUEST A WRITTEN ESTIMATE, AS LONG AS THE REPAIR COSTS DO NOT EXCEED \_\_\_\_\_, THE SHOP MAY NOT EXCEED THIS AMOUNT WITHOUT MY WRITTEN OR ORAL APPROVAL.

You are entitled by you agree otherwise replaced during the Estimate good for the above repair vehicle for the part acknowledged on completion for all

SIGNED

lines apply (Preparer must check at least one):

## CERTIFICATE OF SERVICE

19-TRAM-206-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 12/04/2018.

ALEJANDRO GONZALEZ, OWNER/OPERATOR  
ALEJANDRO GONZALEZ  
D/B/A GONZALEZ REPAIR TOW  
165 N NORMANDY DRIVE  
OLATHE, KS 66061-3887  
myguatorepair@icloud.com

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

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe