

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

In the Matter of the Investigation of )  
**William Robert Maclean, d/b/a Maclean** )  
**Trucking, of Scott City, Kansas,** )  
Regarding the Violation of the Motor )  
Carrier Safety Statutes, Rules and ) Docket No. 18-TRAM-247-OOS  
Regulations and the Commission's )  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority.

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY**

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 William Robert Maclean, d/b/a Maclean Trucking of Scott 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 2569439. The Federal Motor Carrier Safety Association shows Respondent's USDOT number as inactive pursuant to 49 C.F.R. 390.19(b)(4), failure to update MCS-150 data.
3. Special Investigator Penny Fryback has made numerous attempts to contact Respondent to facilitate a safety compliance review on Respondent's operations as a motor carrier. The attempts included letters by U.S. mail, phone calls and visits to place of business.
4. On September 21, 2017, Ahsan Latif, Litigation Counsel, wrote and mailed Respondent a letter informing him should it continue to resist by failing to respond, the

Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Respondent. The letter advised Respondent that Special Investigator Penny Fryback would be at his place of business on December 13, 2017, at 9:00 a.m. to conduct a safety compliance review and if he failed to appear, his motor carrier authority would be suspended. A copy of the letter is attached hereto as Attachment "A" and is hereby incorporated by reference.

5. On December 13, 2017, Special Investigator Penny Fryback went to Respondent's place of business, arriving at 8:40 a.m. and stayed until 9:40 a.m., without any appearance of Respondent. She did attempt to call him at 9:10 a.m., and the call went to voicemail but she could not leave a message as Respondent's voicemail was full.

6. Staff asks that the Commission find Respondent received sufficient notices of the need to schedule a follow-up safety compliance review.

7. Staff asks that the Commission find Respondent failed to respond to several attempts to contact.

8. Staff asks the Commission find that Respondent's resistance to respond to Special Investigator Penny Fryback's attempts to contact and Litigation Counsel Ahsan Latif's letter poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

9. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier authority operations until such time as Respondent contacts Special Investigator Penny Fryback or Litigation Counsel Ahsan Latif to schedule a follow-up safety compliance review, at which time Staff will recommend the Commission issue 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 Respondent's intrastate motor carrier operations.

Respectfully submitted,



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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

## **ATTACHMENT “A”**

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Pat Apple, Chairman  
Shari Feist Albrecht, Commissioner  
Jay Scott Emler, Commissioner

Sam Brownback, Governor

September 21, 2017

William Robert Maclean  
Maclean Trucking  
P.O. Box 182  
Scott City, KS 67871-0182

Re: Scheduling a Compliance Review

Dear Mr. Maclean:

The Kansas Corporation Commission is given full power, authority and jurisdiction to supervise and control motor carriers - as defined in the Kansas statutes - doing business or procuring business in Kansas, and may do all things necessary and convenient for the exercise of such power, authority and jurisdiction.

From time to time, the commission is required to carefully examine and inspect the condition of each motor carrier, its equipment, the manner of its conduct and its management with reference to the public safety and convenience. Further, the Commission has the authority to investigate an entity under the Commission's jurisdiction and order a hearing when the Commission believes the entity is in violation of the law or any order of the Commission.

Deliberate avoidance of a Commission-sponsored safety compliance review is a violation of the above-stated law and authority. Maclean Trucking is a motor carrier that is subject to the Commission's jurisdiction, and therefore, is required by law to submit to Commission compliance reviews.

Commission Special Investigator (SI) Penny Fryback, has made numerous attempts to facilitate a compliance review with you, to no avail. SI Fryback has attempted to contact you several times, including by U.S. mail, by phone and in person. SI Fryback traveled to 1006 Church Street on September 20, 2017 at 9 a.m. after notifying you by mail she would conduct a compliance review at that time and place. You did not appear at that time for the review, nor did you respond to her correspondence or notify her you would not be available for the review. **SI Fryback's next available time for a compliance review of Maclean Trucking is December 13, 2017 at 9 a.m.** This letter therefore serves to notify you that should you fail to appear for that review or fail to contact SI Fryback prior to the review to reschedule to an agreed upon time, *the Commission will suspend your motor carrier operations, revoke or amend certificates, and/ or initiate sanctions or fines against you.*

Thank you for your cooperation. If you have any further questions, you may contact SI Penny Fryback with the Transportation Division of the Kansas Corporation Commission at 785-443-1523.

Sincerely,

Ahsan A. Latif  
Litigation Counsel

**VERIFICATION**

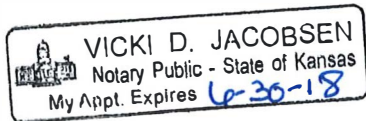
**18-TRAM-247-OOS**

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 Authority*, 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 14th day of December, 2017.



  
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Notary Public

My Appointment Expires: June 30, 2018

## CERTIFICATE OF SERVICE

18-TRAM-247-OOS

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Authority was placed in the United States mail, postage prepaid, or hand-delivered this 14th day of December, 2017, to the following:

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

WILLIAM ROBERT MACLEAN, OWNER  
WILLIAM ROBERT MACLEAN  
D/B/A MACLEAN TRUCKING  
PO BOX 182  
SCOTT CITY, KS 67871-0182

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