

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

Before Commissioners: Andrew J. French, Chairperson
Dwight D. Keen
Annie Kuether

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 Regulations and) Docket No. 25-TRAM-171-PEN
the Commission’s Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor Carrier)
Authority.)

ORDER REINSTATING INTRASTATE MOTOR CARRIER OPERATIONS

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and determination. Having examined its files and records, the Commission finds and concludes:

I. JURISDICTION

1. Pursuant to K.S.A. 66-1,111, 66-1,112 and 66-1,114b, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and 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, and amendments thereto, 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. 66-1,129(a)(7), no public motor carrier of property, household goods or passengers or private motor carrier of property shall operate, or allow the operation of, any commercial motor vehicle on any public highway in this state without following rules and regulations consistent with the federal motor carrier safety assistance program.

II. BACKGROUND

4. Gorilla Construction LLC d/b/a Eric Molz, of Kiowa, Kansas (Carrier), is a motor carrier as defined in K.A.R. 82-4-3f that operates commercial motor vehicles in interstate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2462433.

6. On October 31, 2024, Carrier was issued a penalty assessment 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 (SI) 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. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

7. On February 4, 2025, the Commission issued an Order Suspending Intrastate Motor Carrier Operations,¹ due to non-compliance with a Penalty Order issued on October 31, 2024.²

¹Order Suspending Intrastate Motor Carrier Operations (Feb. 4, 2024).

² See Penalty Order (Oct.31, 2024).

8. On February 4, 2025, Carrier submitted a CAP as required. Transportation Staff (Staff) confirmed the CAP had been submitted as of that date and determined the carrier was now in compliance with Kansas motor carrier safety statutes, rules and regulations pursuant to the above-referenced Penalty Order.

9. On February 5, 2025, Staff filed a Motion to Reinstate Intrastate Motor Carrier Operations on Carrier.

III. STAFF'S RECOMMENDATION

10. Based on Staff's Motion and Carrier's compliance, Staff recommends the Commission reinstate Carrier's Kansas motor carrier operations.

IV. CONCLUSIONS OF LAW

11. The Commission finds it has jurisdiction over Carrier because it is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

12. Based on the available facts and information that was submitted by the Carrier to the KCC, the Commission finds that Staff's recommendation to reinstate Gorilla Construction LLC d/b/a Eric Molz's motor carrier operations is reasonable.

THE COMMISSION THEREFORE ORDERS THAT:

A. Gorilla Construction LLC d/b/a Eric Molz's intrastate motor carrier authority is hereby reinstated.

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 02/11/2025



Abigail D. Emery
Secretary for the Commission

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CERTIFICATE OF SERVICE

25-TRAM-171-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 02/11/2025.

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/S/ KCC Docket Room
KCC Docket Room