

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

In the Matter of the Investigation of **Clint J Wahrman d/b/a Wahrman Farms of Atwood, 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-087-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 Clint J Wahrman d/b/a Wahrman Farms of Atwood, 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 2359371.

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 30, 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.¹ 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 March 28, 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 30, 2024. According to Legal Staff, the Penalty Order was returned as undelivered on September 9, 2024. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the same address on September 9, 2024. The second attempt

¹See Penalty Order (Jul. 30, 2024).

at service as 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 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 9, 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 9, 2024, to pay the civil penalty of \$300.

12. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on August 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 12, 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 30, 2024, including written notice by the collection letter sent August 30, 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

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 Clint J)
Wahrman d/b/a Wahrman Farms LLC, of)
Atwood, Kansas, Regarding the Violation(s) of) Docket No. 25-TRAM-087-UCR
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.)

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 9, 2024, the Penalty Order with the certified mail receipt was returned undelivered and had been addressed to: Clint Wahrman, President at 12968 Rd 2350, Atwood, Kansas 67730. I reviewed the database available to me, the Kansas Secretary of State Business Search website and determined the above address was the only one associated with Carrier.
4. On September 9, 2024, I also deposited the Penalty Order in U.S. first class mail. 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

Ann Murphy

11-12-24

Date

1500 SW Arrowhead Road
Topeka, KS 66604-4027



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

Andrew J. French, Chairperson
Dwight D. Keen, Commissioner
Annie Kuether, Commissioner

Laura Kelly, Governor

August 30, 2024

Clint J Wahrman d/b/a Wahrman Farms
12968 Rd 2350
Atwood, KS 67730

Re: Docket No. 25-TRAM-087-UCR
In the Matter of the Investigation of **Clint J Wahrman d/b/a Wahrman Farms of Atwood, 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 30, 2024, a Penalty Order was issued against Clint J Wahrman d/b/a Wahrman Farms 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.

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

CERTIFICATE OF SERVICE

25-TRAM-087-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 12, 2024.

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

CLINT WAHRMAN, PRESIDENT
CLINT J WAHRMAN
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12968 RD 2350
ATWOOD, KS 67730
clint88s@hotmail.com

/S/ Kiley McManaman
Kiley McManaman
