

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

In the Matter of the Investigation of **David)**
Milner, d/b/a Milner Hay & Cattle of)
Welda, Kansas, Regarding the Violation of) Docket No. 20-TRAM-138-PEN
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.)

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 David Milner, d/b/a Milner Hay & Cattle of Welda, 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 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.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 1250982.
3. On September 26, 2019, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$300 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Michael Heenan on September 4, 2019.
4. The Respondent was served with the Penalty Order on October 28, 2019. The Respondent had 30 days from the date served to pay the civil penalty of \$300.

5. Respondent was sent a collection letter on December 4, 2019, 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.

6. As of December 18, 2019, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

7. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

8. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty of \$300, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

9. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's intrastate motor carrier operations, and order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

Respectfully submitted,



Ahsan A. Latif, #24709

Litigation Counsel

Kansas Corporation Commission

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For Commission Staff



COPY

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Dwight D. Keen, Chair
Shari Feist Albrecht, Commissioner
Susan K. Duffy, Commissioner

Laura Kelly, Governor

December 4, 2018

David Milner
d/b/a Milner Hay & Cattle
15367 Kentucky Rd
Welda, Kansas 66091

Re: Docket No. 20-TRAM-138-PEN
In the Matter of the Investigation of **David Milner, d/b/a Milner Hay & Cattle of Welda, 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

Dear Mr. Milner:

On September 26, 2019, a Penalty Order was issued against David Milner, d/b/a Milner Hay & Cattle for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$300.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission of compliance with the terms and conditions of the above-referenced Penalty Order. In order 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. **Payment 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 me at 785-271-3118.

Respectfully,

Ahsan Latif
Litigation Counsel
a.latif@kcc.ks.gov

VERIFICATION

20-TRAM-138-PEN

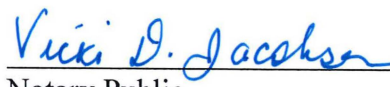
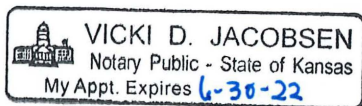
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

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 Operations*, 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 18th day of December, 2019.



Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

20-TRAM-138-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, or hand-delivered this 18th day of December, 2019, to the following:

DAVID MILNER, OWNER
DAVID MILNER
D/B/A MILNER HAY & CATTLE
15367 KENTUCKY RD
WELDA, KS 66091

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Vicki Jacobsen