

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

In the Matter of the Investigation of)
Jonathan Kelly d/b/a It's Your Move, of)
Parsons, Kansas, Regarding the Violation)
of the Motor Carrier Safety Statutes, Rules) Docket No. 25-TRAM-246-PEN
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 Jonathan Kelly d/b/a It's Your Move, of Parsons, 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 66-1,114, 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 intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3084348. Carrier’s USDOT Profile was updated on April 22, 2024, 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 is attached hereto as Attachment “A” and is hereby incorporated by reference.

6. On April 1, 2025, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$350 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by a Staff Special Investigator on December 12, 2024. In the Penalty Order, the Carrier was ordered to pay the \$350 civil penalty within thirty (30) days of service, to attend a Commisison-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.

7. Pursuant to K.S.A. 66-1,105, the Carrier was sent the Penalty Order via U.S. certified mail, return receipt requested, on April 1, 2025. According to Legal Staff, the Penalty Order was returned as undelivered on May 5, 2025. Pursuant to K.S.A. 77-613, the Penalty Order was deposited in U.S. mail to the same address on May 5, 2025. The second attempt at service was not returned. An affidavit of Ann Murphy, Administrative Assistant for Legal Staff is attached hereto as Attachment “B.” *See also* K.A.R. 82-1-216.

8. The Carrier had 30 days from the date served to pay the civil penalty of \$350, attend a Commission-sponsored safety seminar and submit a CAP.

9. The Carrier attended a Commission-sponsored safety seminar on April 8, 2025, and submitted a CAP that has been approved by Transportation Staff. To date, however, the Carrier has failed to submit payment of the \$350 civil penalty issued on April 1, 2025. a CAP that has been approved by Transportation Staff.

10. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on May 7, 2025, reminding it of the obligation to pay the \$350 civil penalty and giving it 10 days from the date of the collection letter to do so. A copy of the collection letter is attached hereto as Attachment "C" and is hereby incorporated by reference.

11. As of June 10, 2025, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

12. Staff requests the Commission find that Carrier received sufficient notice of the requirement to comply with the Penalty Order issued April 1, 2025, including written notice by the collection letter sent May 7, 2025.

13. Staff asks that the Commission find Carrier failed to respond and has not complied with the Commission's Penalty Order, which is a violation of K.S.A. 66-1,105 and 66-1,142b.

14. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier operations until such time as Carrier submits payment of the \$350 civil penalty, 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
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3118 (Telephone)
(785) 271-3124 (Facsimile)
ahsan.latif@ks.gov (E-mail)

For Commission Staff

ATTACHMENT “A”

		<h2 style="margin: 0;">MOTOR CARRIER IDENTIFICATION REPORT</h2> <h3 style="margin: 0;">(Application for U.S. DOT NUMBER)</h3>								
REASON FOR FILING (Check Only One)										
<input type="checkbox"/> NEW APPLICATION		<input checked="" type="checkbox"/> BIENNIAL UPDATE OR CHANGES			<input type="checkbox"/> OUT OF BUSINESS NOTIFICATION			<input type="checkbox"/> REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)		

1. NAME OF MOTOR CARRIER JONATHAN KELLY				2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME IT'S YOUR MOVE																																																																																													
3. PRINCIPAL ADDRESS 2505 WASHINGTON AVE		4. CITY PARSONS		5. STATE/PROVINCE KANSAS		6. ZIP CODE + 4 67357		7. COLONIA (MEXICO ONLY)																																																																																									
8. MAILING ADDRESS 1820 FELIX AVE		9. CITY PARSONS		10. STATE/PROVINCE KANSAS		11. ZIP CODE+4 67357-2930		12. COLONIA (MEXICO ONLY)																																																																																									
13. PRINCIPAL BUSINESS PHONE NUMBER (620) 313-0695				14. PRINCIPAL CONTACT CELL PHONE NUMBER (620) 313-0695				15. PRINCIPAL BUSINESS FAX NUMBER																																																																																									
16. USDOT NO. 3084348		17. MC OR MX NO. MC68462		18. DUN & BRADSTREET NO.		19. IRS/TAX ID NO. EIN# XXXXXXXXXX SSN#																																																																																											
20. INTERNET E-MAIL ADDRESS ITSYOURMOVEJON@GMAIL.COM				21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR 24000 2024																																																																																													
22. COMPANY OPERATION (Mark all that apply) <input checked="" type="checkbox"/> A. Interstate Carrier <input type="checkbox"/> B. Intrastate Hazmat Carrier <input type="checkbox"/> C. Intrastate Non-Hazmat Carrier <input type="checkbox"/> D. Interstate Hazmat Shipper <input type="checkbox"/> E. Intrastate Hazmat Shipper <input type="checkbox"/> F. Vehicle Registrant Only																																																																																																	
23. OPERATION CLASSIFICATION (Circle All that Apply) <input checked="" type="checkbox"/> A. Authorized For-Hire <input type="checkbox"/> D. Private Passengers (Business) <input type="checkbox"/> G. U. S. Mail <input type="checkbox"/> J. Local Government <input type="checkbox"/> B. Exempt For-Hire <input type="checkbox"/> E. Private Passengers (Non-Business) <input type="checkbox"/> H. Federal Government <input type="checkbox"/> K. Indian Tribe <input type="checkbox"/> C. Private Property <input type="checkbox"/> F. Migrant <input type="checkbox"/> I. State Government <input type="checkbox"/> L. Other																																																																																																	
24. CARGO CLASSIFICATIONS (Circle All that Apply) <table style="width:100%; font-size: small;"> <tr> <td><input type="checkbox"/> A. GENERAL FREIGHT</td> <td><input type="checkbox"/> F. LOGS, POLES, BEAMS, LUMBER</td> <td><input type="checkbox"/> J. FRESH PRODUCE</td> <td><input type="checkbox"/> P. GRAIN, FEED, HAY</td> <td><input type="checkbox"/> V. COMMODITIES DRY BULK</td> <td><input type="checkbox"/> BB. CONSTRUCTION</td> </tr> <tr> <td><input checked="" type="checkbox"/> B. HOUSEHOLD GOODS</td> <td><input type="checkbox"/> G. BUILDING MATERIALS</td> <td><input type="checkbox"/> K. LIQUIDS/GASES</td> <td><input type="checkbox"/> Q. COAL/COKE</td> <td><input type="checkbox"/> W. REFRIGERATED FOOD</td> <td><input type="checkbox"/> CC. WATER WELL</td> </tr> <tr> <td><input type="checkbox"/> C. METAL; SHEETS; COILS; ROLLS</td> <td><input type="checkbox"/> H. MOBILE HOMES</td> <td><input type="checkbox"/> L. INTERMODAL CONT.</td> <td><input type="checkbox"/> R. MEAT</td> <td><input type="checkbox"/> X. BEVERAGES</td> <td><input type="checkbox"/> DD. OTHER</td> </tr> <tr> <td><input type="checkbox"/> D. MOTOR VEHICLES</td> <td><input type="checkbox"/> I. MACHINERY, LARGE OBJECTS</td> <td><input type="checkbox"/> M. PASSENGERS</td> <td><input type="checkbox"/> S. GARBAGE, REFUSE, TRASH</td> <td><input type="checkbox"/> Y. PAPER PRODUCTS</td> <td></td> </tr> <tr> <td><input type="checkbox"/> E. DRIVE AWAY/TOWAWAY</td> <td></td> <td><input type="checkbox"/> N. OIL FIELD EQUIPMENT</td> <td><input type="checkbox"/> T. U.S. MAIL</td> <td><input type="checkbox"/> Z. UTILITY</td> <td></td> </tr> <tr> <td></td> <td></td> <td><input type="checkbox"/> O. LIVESTOCK</td> <td><input type="checkbox"/> U. CHEMICALS</td> <td><input type="checkbox"/> AA. FARM SUPPLIES</td> <td></td> </tr> </table>										<input type="checkbox"/> A. GENERAL FREIGHT	<input type="checkbox"/> F. LOGS, POLES, BEAMS, LUMBER	<input type="checkbox"/> J. FRESH PRODUCE	<input type="checkbox"/> P. GRAIN, FEED, HAY	<input type="checkbox"/> V. COMMODITIES DRY BULK	<input type="checkbox"/> BB. CONSTRUCTION	<input checked="" type="checkbox"/> B. HOUSEHOLD GOODS	<input type="checkbox"/> G. BUILDING MATERIALS	<input type="checkbox"/> K. LIQUIDS/GASES	<input type="checkbox"/> Q. COAL/COKE	<input type="checkbox"/> W. REFRIGERATED FOOD	<input type="checkbox"/> CC. WATER WELL	<input type="checkbox"/> C. METAL; SHEETS; COILS; ROLLS	<input type="checkbox"/> H. MOBILE HOMES	<input type="checkbox"/> L. INTERMODAL CONT.	<input type="checkbox"/> R. MEAT	<input type="checkbox"/> X. BEVERAGES	<input type="checkbox"/> DD. OTHER	<input type="checkbox"/> D. MOTOR VEHICLES	<input type="checkbox"/> I. MACHINERY, LARGE OBJECTS	<input type="checkbox"/> M. PASSENGERS	<input type="checkbox"/> S. GARBAGE, REFUSE, TRASH	<input type="checkbox"/> Y. PAPER PRODUCTS		<input type="checkbox"/> E. DRIVE AWAY/TOWAWAY		<input type="checkbox"/> N. OIL FIELD EQUIPMENT	<input type="checkbox"/> T. U.S. MAIL	<input type="checkbox"/> Z. UTILITY				<input type="checkbox"/> O. LIVESTOCK	<input type="checkbox"/> U. CHEMICALS	<input type="checkbox"/> AA. FARM SUPPLIES																																																					
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25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE <table style="width:100%; font-size: x-small;"> <tr> <td>C S A. DIV 1.1</td> <td>B NB</td> <td>C S K. DIV 2.2A (Ammonia)</td> <td>B NB</td> <td>C S U. DIV 4.2</td> <td>B NB</td> <td>C S EE. HRCQ</td> <td>B NB</td> </tr> <tr> <td>C S B. DIV 1.2</td> <td>B NB</td> <td>C S L. DIV 2.3A</td> <td>B NB</td> <td>C S V. DIV 4.3</td> <td>B NB</td> <td>C S FF. CLASS 8</td> <td>B NB</td> </tr> <tr> <td>C S C. DIV 1.3</td> <td>B NB</td> <td>C S M. DIV 2.3B</td> <td>B NB</td> <td>C S W. DIV 5.1</td> <td>B NB</td> <td>C S GG. CLASS 8A</td> <td>B NB</td> </tr> <tr> <td>C S D. DIV 1.4</td> <td>B NB</td> <td>C S N. DIV 2.3C</td> <td>B NB</td> <td>C S X. DIV 5.2</td> <td>B NB</td> <td>C S HH. CLASS 8B</td> <td>B NB</td> </tr> <tr> <td>C S E. DIV 1.5</td> <td>B NB</td> <td>C S O. DIV 2.3D</td> <td>B NB</td> <td>C S Y. DIV 6.2</td> <td>B NB</td> <td>C S II. CLASS 9</td> <td>B NB</td> </tr> <tr> <td>C S F. DIV 1.6</td> <td>B NB</td> <td>C S P. Class 3</td> <td>B NB</td> <td>C S Z. DIV 6.1A</td> <td>B NB</td> <td>C S JJ. ELEVATED TEMP MAT.</td> <td>B NB</td> </tr> <tr> <td>C S G. DIV 2.1</td> <td>B NB</td> <td>C S Q. Class 3A</td> <td>B NB</td> <td>C S AA. DIV 6.1B</td> <td>B NB</td> <td>C S KK. INFECTIOUS WASTE</td> <td>B NB</td> </tr> <tr> <td>C S H. DIV 2.1 LPG</td> <td>B NB</td> <td>C S R. Class 3B</td> <td>B NB</td> <td>C S BB. DIV 6.1 Poison</td> <td>B NB</td> <td>C S LL. MARINE POLLUTANTS</td> <td>B NB</td> </tr> <tr> <td>C S I. DIV 2.1 (Methane)</td> <td>B NB</td> <td>C S S. COM LIQ</td> <td>B NB</td> <td>C S CC. DIV 6.1 SOLID</td> <td>B NB</td> <td>C S MM. HAZARDOUS SUB(RQ)</td> <td>B NB</td> </tr> <tr> <td>C S J. DIV 2.2</td> <td>B NB</td> <td>C S T. DIV 4.1</td> <td>B NB</td> <td>C S DD. CLASS 7</td> <td>B NB</td> <td>C S NN. HAZARDOUS WASTE</td> <td>B NB</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>C S OO. ORM</td> <td>B NB</td> <td></td> <td></td> </tr> </table>										C S A. DIV 1.1	B NB	C S K. DIV 2.2A (Ammonia)	B NB	C S U. DIV 4.2	B NB	C S EE. HRCQ	B NB	C S B. DIV 1.2	B NB	C S L. DIV 2.3A	B NB	C S V. DIV 4.3	B NB	C S FF. CLASS 8	B NB	C S C. DIV 1.3	B NB	C S M. DIV 2.3B	B NB	C S W. DIV 5.1	B NB	C S GG. CLASS 8A	B NB	C S D. DIV 1.4	B NB	C S N. DIV 2.3C	B NB	C S X. DIV 5.2	B NB	C S HH. CLASS 8B	B NB	C S E. DIV 1.5	B NB	C S O. DIV 2.3D	B NB	C S Y. DIV 6.2	B NB	C S II. CLASS 9	B NB	C S F. DIV 1.6	B NB	C S P. Class 3	B NB	C S Z. DIV 6.1A	B NB	C S JJ. ELEVATED TEMP MAT.	B NB	C S G. DIV 2.1	B NB	C S Q. Class 3A	B NB	C S AA. DIV 6.1B	B NB	C S KK. INFECTIOUS WASTE	B NB	C S H. DIV 2.1 LPG	B NB	C S R. Class 3B	B NB	C S BB. DIV 6.1 Poison	B NB	C S LL. MARINE POLLUTANTS	B NB	C S I. DIV 2.1 (Methane)	B NB	C S S. COM LIQ	B NB	C S CC. DIV 6.1 SOLID	B NB	C S MM. HAZARDOUS SUB(RQ)	B NB	C S J. DIV 2.2	B NB	C S T. DIV 4.1	B NB	C S DD. CLASS 7	B NB	C S NN. HAZARDOUS WASTE	B NB					C S OO. ORM	B NB		
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26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.																																																																																																	
	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus	Mini-bus	Van	Limousine																																																																																							
							Number of vehicles carrying number of passengers (including the driver) below																																																																																										
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+																																																																																		
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27. DRIVER INFORMATION			INTERSTATE		INTRASTATE		TOTAL DRIVERS			TOTAL CDL DRIVERS																																																																																							
Within 100-Mile Radius			0		0		1			0																																																																																							
Beyond 100-Mile Radius			1		0																																																																																												
28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes No <input checked="" type="checkbox"/>																																																																																																	
If Yes, enter your U.S. DOT Number.																																																																																																	
29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)																																																																																																	
1. JONATHAN KELLY, OWNER								2. _____																																																																																									
(Please print Name)								(Please print Name)																																																																																									
30. CERTIFICATION STATEMENT (to be completed by an authorized official)																																																																																																	
I, JONATHAN KELLY (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.																																																																																																	
Signature JONATHAN KELLY										Date 04/22/2024																																																																																							
										Title OWNER (Please print)																																																																																							

ATTACHMENT “B”

In the Matter of the Investigation of **Jonathan Kelly d/b/a It's Your Move, of Parsons, 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.)
)
)
) Docket No. 25-TRAM-246-PEN
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)
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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 April 1, 2025, the Penalty Order with the certified mail receipt was returned undelivered on May 5, 2025. The Penalty Order had been addressed to: Jonathan Kelly, Owner at 1820 Felix Ave., Parsons, Kansas 67357-2930.
4. On May 5, 2025, I deposited the Penalty Order in U.S. first class mail to the same address. 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.

1

Ann Murphy

Ann Murphy

06-11-25

Date

ATTACHMENT “C”

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

May 7, 2025

Jonathan Kelly d/b/a It's Your Move
1820 Felix Ave
Parsons, KS 67357

Re: Docket No. 25-TRAM-246-PEN
In the Matter of the Investigation of **Jonathan Kelly d/b/a It's Your Move of Parsons, 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 4/1/2025, a Penalty Order was issued against Jonathan Kelly d/b/a It's Your Move for violations of motor carrier safety statutes, rules and regulations. The order required Jonathan Kelly d/b/a It's Your Move, within thirty (30) days of service of the Penalty Order, to do the following: (1) pay a civil penalty of \$350; (2) submit a written, comprehensive Corrective Action Plan (CAP) to Transportation Staff (Staff), documenting the violation(s) described in the Penalty Order, including specific and detailed information explaining the carrier's efforts and concrete steps taken to ensure the violation(s) do not occur in the future; and (3) have a representative of C&D Transport attend a Commission-sponsored safety seminar and to provide the undersigned Litigation Counsel with written proof of attendance.

To date, Jonathan Kelly d/b/a It's Your Move has not completed all of these actions.

This civil penalty has not been paid, nor has evidence 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 \$350 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,

/s/ Ahsan A. Latif
Ahsan A. Latif
Litigation Counsel
ahsan.latif@ks.gov

CERTIFICATE OF SERVICE

25-TRAM-246-PEN

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

MADISEN HANE, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
madisen.hane@ks.gov

JONATHAN KELLY, OWNER
JONATHAN KELLY
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