

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

Before Commissioners:      Andrew J. French, Chairperson  
   Dwight D. Keen  
   Susan K. Duffy

In the Matter of the Investigation of **JM Express**    )  
**Transportation LLC d/b/a Sarah Chomba, of**        )  
**Wichita, Kansas,** Regarding the Violation(s) of    )  
the Motor Carrier Safety Statutes, Rules and        )  
Regulations and the Commission's Authority to    ) Docket No. 22-TRAM-122-PEN  
Impose Penalties, Sanctions and/or the Revocation   )  
of Motor Carrier Authority.                               )  
  )

**ORDER GRANTING STAFF'S MOTION TO VACATE PENALTY ORDER**

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, and being duly advised in the premises, the Commission finds and concludes as follows:

**I. JURISDICTION AND BACKGROUND**

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 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, 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.

## **II. FINDINGS OF FACTS**

3. JM Express Transportation d/b/a Sarah Chomba (Carrier) is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which purported to operate commercial motor vehicles in interstate commerce under the USDOT Number 3399627.

4. On September 16, 2021, the Commission issued a Penalty Order in this docket assessing a \$300 civil penalty against Carrier for failure to pay its 2020 UCR fees.

5. Staff after being contacted by a representative of Carrier and reviewing available records determined that Carrier was not operating in 2020 and began operating again in 2021. Additionally, the Carrier paid its 2020 and 2021 UCR fees.

6. On September 22, 2021, Transportation Staff filed its Motion to Vacate Penalty Order recommending the Commission vacate the Penalty Order.

## **III. CONCLUSIONS OF LAW**

7. The Commission finds it has jurisdiction over JM Express Transportation d/b/a Sarah Chomba because Carrier is a motor carrier as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

8. The Commission further finds that Carrier stopped operating in 2020 and resumed operations in 2021.

9. Therefore the Commission concludes it is appropriate to vacate the Penalty Order issued September 16, 2021.

**THE COMMISSION THEREFORE ORDERS THAT:**

A. The Penalty Order issued to JM Express Transportation d/b/a Sarah Chomba on September 16, 2021 is hereby vacated.

B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>1</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 09/28/2021



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Lynn M. Retz  
Executive Director

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<sup>1</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

I, the undersigned, certify that a true copy of the attached order has been served to the following by means of first class mail this 28th of September, 2021:

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/s/Desirae Mayfield