

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

In the Matter of the Investigation of **Danny** )  
**G. Lambeth, d/b/a Wholesale Trucking of** )  
**Wellsville, Kansas,** Pursuant to the Kansas )  
Highway Patrol Issuance of a Notice of ) Docket No. 17-GIMM-408-KHP  
Violation for Violations of the Federal )  
Motor Carrier Safety Regulations, as )  
adopted by K.S.A. 66-1,129 and )  
implemented by K.A.R. 82-4-3. )

**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 Danny G. Lambeth, d/b/a Wholesale Trucking of Wellsville, Kansas (Respondent) from all Kansas commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent is an intrastate private motor carrier in accordance with K.S.A. 66-1,108b, K.S.A. 66-1,111, K.A.R. 82-4-1 and K.A.R. 82-4-3f.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 00203558.
3. On January 5, 2017, the Commission issued Respondent a Notice and Invoice (Invoice No. H000566219) assessing Respondent a civil fine in the amount of \$700 for violation(s) of the Federal Motor Carrier Safety Regulations as adopted by K.S.A. 66-1,129 and implemented by K.A.R. 82-4-3, et seq., discovered during a routine motor carrier stop and inspection on January 3, 2017, by the Kansas Highway Patrol. The Notice informed Respondent it was to pay the civil fine within 30 days of the date of the Notice, or request an administrative hearing.

4. On March 15, 2017, the Respondent filed a request for hearing, contesting the violation(s) set out in the Notice and Invoice.

5. On November 27, 2018, an evidentiary hearing was conducted and the Commission issued an order on January 10, 2019, upholding the fines issued to Respondent.

6. On January 28, 2019, Respondent filed a Petition for Reconsideration of the final order issued on January 10, 2019. On February, 26, 2019, the Commission issued its *Order on Petition for Reconsideration of Final Order*, reducing the fine from \$700 to \$550. Ultimately, on April 11, 2019, the Commission issued its *Order on Status of Danny Lambeth's Petition for Reconsideration of Order on Petition for Reconsideration of Final Order*, which ordered Respondent to "promptly remit the \$550 penalty upheld by the Commission..."

7. As of October 14, 2019, Commission records indicate Respondent has not complied with requirements of the Order dated April 11, 2019, in that Respondent has not paid the civil fine of \$550.

8. Staff asks that the Commission find Respondent failed to act upon the Commission's Order dated April 11, 2019.

9. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Order dated April 11, 2019, poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

10. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's motor carrier operations in Kansas until such time as Respondent pays the civil fine of \$550, 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 Respondent's motor carrier operations in Kansas, until such time as the Respondent pays the civil fine as described above.

Respectfully submitted,



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For Commission Staff

AAL

**VERIFICATION**

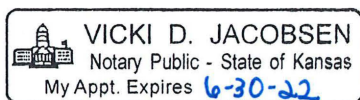
**17-GIMM-408-KHP**

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 Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

  
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Ahsan A. Latif, S. Ct. # 24709  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of October, 2019.



  
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Notary Public

My Appointment Expires: June 30, 2022

## CERTIFICATE OF SERVICE

17-GIMM-408-KHP

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 15<sup>th</sup> day of October, 2019, to the following:

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Vicki Jacobsen