

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

In the Matter of the Investigation of **Royce** )  
**Varela d/b/a Varela Trucking, of Garden** )  
**City, Kansas**, Regarding the Violation of )  
the Motor Carrier Safety Statutes, Rules and )  
Regulations and the Commission's ) Docket No. 24-TRAM-587-PEN  
Authority to Impose Penalties, Sanctions )  
and/or the Revocation of Motor Carrier )  
Authority. )

**MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY**

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 Royce Varela d/b/a Varela Trucking of Garden City, Kansas (Carrier) from all intrastate commercial motor carrier operations.

In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, in that it operates commercial motor vehicle(s) in intrastate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2379357.
3. Staff Special Investigators Penny Fryback and Erica Pargas met with Carrier to conduct a compliance review on January 24, 2024. During the compliance review, Staff discovered a number of major violations, including:
  - a. Carrier did not possess interstate insurance.
  - b. Carrier was operating interstate with an intrastate only USDOT number. Carrier had been cited for the same violation during an investigation conducted on February

10, 2021 and penalized in a Penalty Order issued in Docket No. 21-TRAM-336-PEN on March 9, 2021.

- c. Carrier was operating intrastate without KCC for-hire authority. Carrier had been cited for the same violation during an investigation conducted on February 10, 2021 and penalized in a Penalty Order issued in Docket No. 21-TRAM-336-PEN on March 9, 2021.
- d. Carrier failed to provide investigators with maintenance files.
- e. Carrier provided investigators with fraudulent documents.
- f. Carrier failed to provide investigators with records of duty status, supporting documents for the loads hauled, or annual inspections for the vehicles operated.
- g. Carrier failed to conduct a random test on a driver, resulting in the driver being deemed a prohibited driver in the Federal Drug and Alcohol Clearinghouse.
- h. Carrier used drivers that had not been qualified.
- i. Carrier was found to be operating CMVs that had been placed out-of-service without making proper repairs.

4. Staff recommends the Commission suspend Carrier's intrastate motor carrier operations until it complies with the applicable motor carrier safety rules and regulations and submits a corrective action plan (CAP) that meets Staff's approval. Staff's findings and recommendation are evidenced by an e-mail from Special Investigator Erica Pargas, sent February 21, 2024. A copy of the e-mail is attached hereto as Attachment "A" and is hereby incorporated by reference.

5. Staff asks that the Commission find Carrier's compliance review demonstrates that the Carrier is operating in violation of the applicable motor carrier safety rules and regulations.

6. Staff asks the Commission find that Carrier's noncompliance with the applicable motor carrier safety rules and regulations poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

7. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier authority operations until such time as Carrier submits a CAP that meets Staff's approval and comes into compliance with the applicable motor carrier safety rules and regulations, at which time Staff will recommend the Commission issue 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 operations.

Respectfully submitted,

*/s/ Ahsan Latif*

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For Commission Staff

## **ATTACHMENT “A”**

## Ahsan Latif [KCC]

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**From:** Erica Pargas [KCC]  
**Sent:** Wednesday, February 21, 2024 12:44 PM  
**To:** Ahsan Latif [KCC]; Kyler Wineinger [KCC]  
**Cc:** Jared Smith [KCC]; Mike Hoeme [KCC]; Gary Davenport [KCC]  
**Subject:** Emergency Suspension  
**Attachments:** Enforcement\_Report\_202402201848.pdf

Good Afternoon,

We would like to request an Emergency Suspension on Royce Varela d/b/a Varela Trucking (USDOT #2379357) based on the severity of the violations discovered in our most recent investigation and evidence that Royce Varela has continued to operate without the proper authority. It is evident that Royce Varela d/b/a Varela Trucking has not corrected any of the violations we previously cited the carrier with. [REDACTED]

[REDACTED] Our request is based on the following:

1. At the time of our investigation conducted on 1/24/24, Royce Varela d/b/a Varela Trucking failed to provide evidence of having Interstate Insurance or an MCS-90. Royce Varela d/b/a Varela Trucking provided investigators with a Certificate Of Liability that was not under his name and did not ensure all of the vehicles he's operating.
2. Royce Varela d/b/a Varela Trucking was found to be operating in interstate commerce with an intrastate only USDOT number. Royce Varela d/b/a Varela Trucking had the same violation during a Compliance Investigation conducted on February 10, 2021, and penalized in a Penalty Order issued on March 9, 2021 in Docket No. 21-TRAM-336-PEN.
3. Royce Varela d/b/a Varela Trucking was found to be hauling grain/feed in intrastate commerce with no Kansas Corporation Commission For Hire Authority. Royce Varela d/b/a Varela Trucking had the same violation during a Compliance Investigation conducted on February 10, 2021 and penalized in a Penalty Order issued on March 9, 2021 in Docket No. 21-TRAM-336-PEN.
4. Royce Varela d/b/a Varela Trucking failed to provide investigators with Maintenance Files.
5. Royce Varela d/b/a Varela Trucking provided investigators with Fraudulent documents.
6. Royce Varela d/b/a Varela Trucking failed to provide investigators with Records Of Duty Status.
7. Royce Varela d/b/a Varela Trucking failed to provide investigators with Supporting Documents.
8. Royce Varela d/b/a Varela Trucking operated vehicles with no Annual Inspections.
9. Royce Varela d/b/a Varela Trucking's owner, Royce Varela failed to conduct a random test which was reported to the Drug & Alcohol Clearinghouse and is now a prohibited driver.
10. Royce Varela d/b/a Varela Trucking was found to be using drivers that had not been qualified.
11. Royce Varela d/b/a Varela Trucking was found to be operating vehicles that had been previously placed OOS without making the proper repairs.

We are scheduled to close out with Royce Varela d/b/a Varela Trucking today at 3:30 p.m. [REDACTED]

[REDACTED] Should you need any additional information, please feel free to contact me.

**Erica Pargas, Special Investigator**

Transportation Division

Kansas Corporation Commission

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## **CERTIFICATE OF SERVICE**

24-TRAM-587-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 February 26, 2024.

AHSAN LATIF, LITIGATION COUNSEL  
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/S/ Kiley McManaman  
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