

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

Received
on
MAY 22 2012
State Corporation Commission
of Kansas

In the Matter of the Investigation of JCMC,)
Inc., d/b/a Jim Clark Auto Center of)
Junction City, Kansas, Regarding the)
Violation 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. 21-TRAM-779-PEN

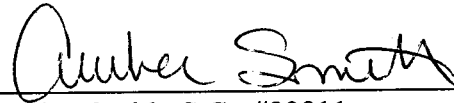
STAFF'S MOTION TO DISMISS

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of the enforcement action, with prejudice, against JCMC, Inc., d/b/a Jim Clark Auto Center of Junction City, Kansas. In support of its Motion, Staff states as follows:

1. On May 4, 2012, the Commission issued a Penalty Order against JCMC, Inc., d/b/a Jim Clark Auto Center (Respondent) assessing fines for violations found during a safety compliance review conducted on April 23, 2012, by Special Investigator Lance Jones.
2. On May 14, 2012, Respondent filed a request for hearing.
3. On May 16, 2012, Staff prepared and filed a Notice of Hearing setting this matter before the Commission on July 12, 2012, at 9:00 p.m.
4. After further review of this matter, Staff recommends that the above enforcement action be dismissed with prejudice as Staff believes it has insufficient evidence to proceed at this time.
5. Staff further recommends that the above-referenced docket be closed.

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission find that the above enforcement action against Respondent be dismissed with prejudice and that the docket be closed.

Respectfully submitted,



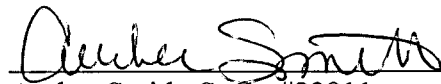
Amber Smith, S.Ct. #23911
Litigation Counsel
Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, Kansas 66604
(785) 271-3301 (Telephone)
(785) 271-3167 (Facsimile)
Email: a.smith@kcc.ks.gov

For Commission Staff

VERIFICATION

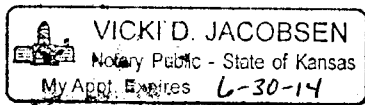
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

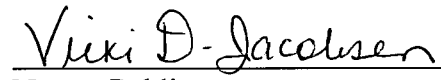
Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Staff's Motion to Dismiss* and attests that the statements therein are true to the best of her knowledge, information and belief.



Amber Smith, S. Ct. #23911
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 22nd day of May, 2012.





Notary Public

My Appointment Expires: June 30, 2014

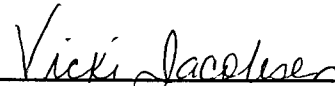
CERTIFICATE OF SERVICE

12-TRAM-779-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Motion to Dismiss was placed in the United States mail, postage prepaid, or hand-delivered this 23rd day of May, 2012, to the following:

William Thornberg, GENERAL MANAGER
JCMC, Inc.
D/B/A Jim Clark Auto Center
PO Box 1727
Junction City, KS 66441
Fax: 785-238-7626

AMBER SMITH, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD ROAD
TOPEKA, KS 66604-4027
Fax: 785-271-3354
a.smith@kcc.ks.gov
Hand Delivered



Vicki Jacobsen