

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

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

In the Matter of the Investigation of)
Baltazar G. Ruiz d/b/a Ruiz Trucking, of)
Garden City, Regarding the Violation(s) of)
the Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's) Docket No. 22-TRAM-510-PEN
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.

ORDER APPROVING UNANIMOUS SETTLEMENT AGREEMENT

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration. Having examined its files and records, and being duly advised in the premises, the Commission finds and concludes as follows:

I. BACKGROUND

1. From May 3 to May 26, 2022, Commission Staff (Staff) Special Investigators (SIs) Erica Pargas and Penny Fryback conducted a compliance review on the motor carrier operations of Baltazar G. Ruiz d/b/a Ruiz Trucking (Ruiz Trucking or Carrier). As a result of the review, SIs Pargas and Fryback identified sixteen (16) violations of the Motor Carrier Safety Regulations.
2. On May 19, 2022, the Commission issued an order in this docket suspending the intrastate motor carrier operations of Ruiz Trucking (Suspension Order) based on the findings of the Staff's compliance review.
3. On June 28, 2022, the Commission issued a Penalty Order in this docket assessing a \$12,700 civil penalty against Carrier.

4. On July 11, 2022, Ruiz Trucking filed a Motion to Vacate Fine Upon Surrender of Motor Carrier Authority.

5. On August 11, 2022 and in subsequent correspondence thereafter, Van Z. Hampton, Attorney for Ruiz Trucking, and Ahsan Latif, Litigation Counsel for Staff, informally discussed the possibility of a settlement. During the informal discussions, Staff and Carrier were able to reach mutually agreeable terms in anticipated settlement of the issues. It was agreed that Staff would subsequently reduce the terms to writing and forward the draft to Carrier for approval and signature.

6. On September 13, 2022, Staff filed a Joint Motion for Approval of Unanimous Settlement Agreement. The Unanimous Settlement Agreement is attached to this Order as **Attachment A**.

7. In the Unanimous Settlement Agreement, Staff agreed to hold in abeyance the \$12,700 civil penalty contingent on Carrier's agreement to refrain from motor carrier operations and Baltazar G. Ruiz's agreement not to drive a motor vehicle while his U.S. driver's license remains suspended. Carrier agreed to these terms. If Carrier resumes motor carrier operations or if Mr. Ruiz is found operating a motor vehicle, including a commercial motor vehicle, while his U.S. driver's license is suspended, the \$12,700 civil penalty would be reinstated and become due and owing immediately. The Commission's Suspension Order remains in place.

8. As of September 2, 2022, Carrier's USDOT Number was listed as inactivated.

II. FINDINGS AND CONCLUSIONS

9. The Commission concludes that 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. The Commission may fine, sanction, suspend, cancel or revoke a carrier's authority in accordance with K.S.A 66-1,129a, 66-1,130 and 66-1,142b. Further, the Commission has the authority to investigate a party in accordance with K.A.R. 82-1-237.

10. The Commission concludes that settlements are favored by the law. *Bright v. LSI Corp.*, 254 Kan. 853, 869 P.2d 686 (1994). A settlement of issues, all or part, with or without unanimous agreement, will be entertained by the Commission.

11. The Commission has reviewed the Unanimous Settlement Agreement attached to the Joint Motion for Approval of Unanimous Settlement Agreement of the parties and concludes that the terms and provisions therein are an appropriate and reasonable disposition of this matter. The Commission therefore adopts and incorporates by reference the terms of the Agreement.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The Joint Motion for Approval of Unanimous Settlement Agreement entered into between Baltazar G. Ruiz d/b/a Ruiz Trucking and Transportation Staff is hereby granted. The terms of the Unanimous Settlement Agreement are approved and are hereby incorporated by reference.

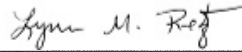
B. Baltazar G. Ruiz d/b/a Ruiz Trucking's \$12,700 civil penalty is held in abeyance contingent on Carrier's agreement to refrain from motor carrier operations and Baltazar G. Ruiz's agreement not to drive a motor vehicle while his U.S. driver's license remains suspended. If Carrier resumes motor carrier operations or if Mr. Ruiz is found operating a motor vehicle, including a commercial motor vehicle, while his U.S. driver's license is suspended, the \$12,700 civil penalty would be reinstated and become due and owing immediately.

C. 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).¹

BY THE COMMISSION IT IS SO ORDERED.

French, Chairperson; Keen, Commissioner; Keen, Commissioner

Dated: 09/20/2022



Lynn M. Retz
Executive Director

AAL

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

CERTIFICATE OF SERVICE

22-TRAM-510-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of
first class mail and electronic service on 09/20/2022.

VAN Z. HAMPTON, ATTORNEY
WARRIOR LAWYERS INTERNATIONAL
602 N 2ND AVENUE
DODGE CITY, KS 67801
vanhampton@kernslawgroup.com

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
1500 SW ARROWHEAD RD
TOPEKA, KS 66604
a.latif@kcc.ks.gov

BALTAZAR GUZMAN RUIZ
RUIZ TRUCKING
3046 JONES AVE
GARDEN CITY, KS 67846
balta-ruiz67@hotmail.com

/S/ KCC Docket Room

KCC Docket Room