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

In the Matter of the Investigation of Jesus E. Pichardo-Martinez, d/b/a KIKE Transport) of Garden 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. 17-TRAM-547-PEN

MOTION TO AMEND PENALTY ORDER

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The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel Ahsan A. Latif, file this Motion requesting the Commission issue an Amended Penalty Order reducing the penalty assessed to Jesus E. Pichardo-Martinez, d/b/a KIKE Transport (KIKE Transport), by fifty-percent (50%) than the penalty assessed in the Penalty Order dated June 15, 2017. In support of this Motion, Staff states as follows:

On June 15, 2017, a Penalty Order was issued to KIKE Transport assessing it a 1. penalty of \$1,250 for three (3) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted by Special Investigator(s) Penny Fryback on May 31, 2017.

1. The Notice of Penalty Assessment advised KIKE Transport it was a New Entrant carrier and was eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date of the Penalty Order. stating it will comply with the reduced penalty option terms and obligations stated therein.

2. Staff recommends the Commission issue an Amended Penalty Order assessing KIKE Transport a 50% reduced penalty of \$625 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated June 15, 2017
 KIKE Transport shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must been submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order dated June 15, 2017, KIKE
 Transport must submit to a follow-up Safety Compliance Review.
 Transportation Staff will contact the carrier to set up the review; and
- c. within (30) days from the date of service of the Amended Penalty Order, KIKE Transport must make the payment of \$625 through the KTRAN system located at https://puc.kcc.ks.gov/ktran/.

WHEREFORE, for the reasons set forth herein, Staff requests an Amended Penalty Order be issued by the Commission assessing Jesus E. Pichardo-Martinez, d/b/a KIKE Transport a reduced penalty of \$625 and ordering it to comply with the proposed terms and obligations set out in paragraph 3 above.

Respectfully submitted,

Ahsan A. Latif S. Ct. #24709 Litigation Counsel Kansas Corporation Commission 1500 S.W. Arrowhead Road Topeka, Kansas 66604-4027 Phone: 785-271-3118 Fax: 785-271-3167 Email: a.latif@kcc.ks.gov

Attorney for Commission Staff

VERIFICATION

17-TRAM-547-PEN

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 Amend Penalty Order*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

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

SUBSCRIBED AND SWORN to before me this ______ day of September, 2017.

Notary Public - State of Kansas My Appt Expires 6-

Vici D. Jacobsen

My Appointment Expires: June 30, 2018

CERTIFICATE OF SERVICE

17-TRAM-547-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty was placed in the United States mail, postage prepaid, or hand-delivered this 8th day of September, 2017, to the following

JESUS E. PICHARDO-MARTINEZ, OWNER JESUS E. PICHARDO-MARTINEZ D/B/A KIKE TRANSPORT 340 S FARMLAND RD LOT 49 GARDEN CITY, KS 67846 elmenso_pichardo@hotmail.com AHSAN LATIF. LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604-4027 Fax: 785-271-3354 a.latif@kcc.ks gov

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Vicki Jacobsen