

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

Before Commissioners: Pat Apple, Chairman  
Shari Feist Albrecht  
Jay Scott Emler

In the Matter of the Emergency Suspension of )  
Operating Authority of **Jose Samuel Lares** )  
**Garcia, d/b/a SLG Auto Sales of Dodge City,** ) Docket No. 17-TRAM-140-OOS  
**Kansas,** for Failure to Comply with New Entrant )  
Safety Requirements as Required by the Motor )  
Carrier Safety Statutes, Rules and Regulations. )

**ORDER REINSTATING MOTOR CARRIER OPERATING AUTHORITY**

The above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas (Commission) upon its own motion. The Commission, being fully advised in the premises, finds as follows:

**I. JURISDICTION**

1. Pursuant to K.S.A. 2016 Supp. 66-1,108b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, and amendments thereto, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.S.A. 2016 Supp. 66-1,108, 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.

2. Pursuant to K.S.A. 2016 Supp. 66-1,129a, 66-1,130, and 66-1,142b, and amendments thereto, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any

provision of Kansas law in regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 2016 Supp. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-1 *et seq.*) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

## **II. BACKGROUND**

4. Jose Samuel Lares Garcia, d/b/a SLG Auto Sales is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108 that operates commercial motor vehicle(s) in both intrastate and interstate commerce in a manner that requires authority.

5. Jose Samuel Lares Garcia, d/b/a SLG Auto Sales is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 2821052.

6. The Commission received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration that Jose Samuel Lares Garcia, d/b/a SLG Auto Sales' New Entrant Registration had been revoked effective October 24, 2016 for failure to comply with safety requirements.

7. Pursuant to the above authority, on November 1, 2016, the Commission entered an Emergency Suspension of Operating Authority Order on Jose Samuel Lares Garcia, d/b/a SLG Auto Sales in the above-referenced docket, until such time that Staff recommended reinstatement.

### **III. STAFF'S RECOMMENDATION**

8. On February 6, 2017, the Staff of the Transportation Division of the Kansas Corporation Commission (Staff) received notice from the U.S. Department of Transportation, Federal Motor Carrier Safety Administration, that Jose Samuel Lares Garcia, d/b/a SLG Auto Sales has submitted evidence of compliance with safety requirements as required in 49 C.F.R. 385.329. As a result, the carrier's reapplication for New Entrant registration under USDOT No. 2821052 has been approved and the carrier's authority to operate in interstate operations has been reinstated. See attached FMCSA reinstatement documentation.

9. Based on the Federal Motor Carrier Safety Administration's reinstatement, it is Staff's recommendation to reinstate Jose Samuel Lares Garcia, d/b/a SLG Auto Sales' motor carrier operating authority in Kansas.

### **IV. CONCLUSIONS OF LAW**

10. The Commission finds it has jurisdiction over Jose Samuel Lares Garcia, d/b/a SLG Auto Sales because it is a motor carrier as defined in K.S.A. 2016 Supp. 66-1,108.

11. Based on the available facts, the Commission finds that Staff's recommendation to reinstate Jose Samuel Lares Garcia, d/b/a SLG Auto Sales' operating authority in Kansas is reasonable.

### **THE COMMISSION THEREFORE ORDERS THAT:**

(A) Jose Samuel Lares Garcia, d/b/a SLG Auto Sales' certificate, permit or license that is necessary to carry on the business of a private and/or public motor carrier in Kansas is hereby reinstated.

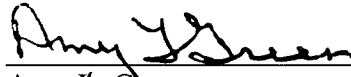
(B) Jose Samuel Lares Garcia, d/b/a SLG Auto Sales remains obligated to attend a Commission-sponsored safety seminar pursuant to the Emergency Suspension of Operating Authority Order at paragraph B., entered on November 1, 2016.

(C) The Commission retains jurisdiction over the subject matter and parties for the purpose of entering such further Orders as it may deem necessary and proper.

**BY THE COMMISSION IT IS SO ORDERED.**

Apple, Chairman; Albrecht, Commissioner; Emler, Commissioner

Dated: FEB 09 2017

  
\_\_\_\_\_  
Amy L. Green  
Secretary to the Commission

AAL

Order Mailed Date

FEB 10 2017



U.S. Department of  
Transportation  
**Federal Motor  
Carrier Safety  
Administration**

1200 New Jersey Ave., S.E.  
Washington, DC 20590  
February 6, 2017

SAMUEL LARES  
CESAR NUNEZ  
JOSE SAMUEL LARES GARCIA  
SLG AUTO SALES  
1427 ROOSEVELT AVE  
DODGE CITY, KS 67801

In reply refer to:  
USDOT Number: 2821052

**Action Required: Call to schedule a Safety Audit.**

According to the Federal Motor Carriers Safety Administration's records, thirty days have elapsed since JOSE SAMUEL LARES GARCIA's US DOT New Entrant registration was revoked on October 24, 2016, based on a failure to submit to a required safety audit. Our records also indicate that JOSE SAMUEL LARES GARCIA has reapplied in accordance with 49 CFR section 385.329. JOSE SAMUEL LARES GARCIA's reapplication for USDOT New Entrant registration has been approved. However, because a safety audit has not yet been conducted, JOSE SAMUEL LARES GARCIA should contact your local State Motor Carrier Safety Assistance Program (MCSAP) office 785-296-7189 as soon as possible to schedule a safety audit. In accordance with section 49 C.F.R. § 385.337, failure to permit a safety audit to be performed may result in the revocation of JOSE SAMUEL LARES GARCIA's USDOT New Entrant registration and JOSE SAMUEL LARES GARCIA's interstate operation being placed out of service. Additionally, the refusal to submit to a safety audit may also subject a new entrant motor carrier to the penalty provisions in 49 U.S.C. 521(b)(2)(A), as adjusted for inflation.

JOSE SAMUEL LARES GARCIA's 18-month new entrant safety monitoring period restarts as of February 6, 2017. FMCSA will continue to monitor and evaluate JOSE SAMUEL LARES GARCIA's safety management practices and on-road performance to ensure JOSE SAMUEL LARES GARCIA has basic safety management controls that are operating effectively and is complying with Federal requirements including the Federal Motor Carrier Safety Regulations (FMCSRs) and applicable Federal Hazardous Materials Regulations (HMRs). Failure to comply with applicable requirements may result in the revocation of JOSE SAMUEL LARES GARCIA's USDOT New Entrant or permanent registration.

Sincerely,

Joseph P. DeLorenzo, Director, Office of  
Enforcement and Compliance

**CERTIFICATE OF SERVICE**

17-TRAM-140-OOS

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on FEB 09 2017.

SAMUEL LARES, OWNER  
JOSE SAMUEL LARES GARCIA  
D/B/A SLG AUTO SALES  
1427 ROOSEVELT AVE  
DODGE CITY, KS 67801

AHSAN LATIF, LITIGATION COUNSEL  
KANSAS CORPORATION COMMISSION  
1500 SW ARROWHEAD RD  
TOPEKA, KS 66604-4027  
Fax: 785-271-3354  
a.latif@kcc.ks.gov

/S/ DeeAnn Shupe  
\_\_\_\_\_  
DeeAnn Shupe

Order Mailed Date

FEB 10 2017