

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

In the Matter of the Investigation of Slik )  
Transport, LLC of Waxahachie, Texas, )  
Pursuant to the Kansas Highway Patrol )  
Issuance of a Notice of Violation(s) and ) Docket No. 15-GIMM-469-KHP  
Invoice for the Violations of the Kansas Motor )  
Carrier Safety Statutes, Rules and Regulations. )  
)

**STAFF'S MOTION TO DISMISS REQUEST FOR HEARING AND WAIVE PORTION  
OF A CIVIL PENALTY**

Litigation Counsel for Staff of the State Corporation Commission of the State of Kansas (Litigation Counsel, Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of the request for hearing and waiver of a portion of a civil penalty, with prejudice, against Slik Transport, LLC, of Waxahachie, Texas. In support of its Motion, Litigation Counsel states as follows:

1. On March 3, 2015, the Kansas Highway Patrol (KHP) issued a Notice of Violation and a civil penalty against Slik Transport, LLC (Respondent), for alleged violations found during a February 25, 2015, routine motor carrier stop and inspection conducted by the KHP. *See* Invoice No. H000553809, attached hereto and incorporated herein by reference.

2. On or about April 10, 2015, Respondent submitted a request for hearing on the KHP's civil penalty.

3. Based on the February 25, 2015, stop and inspection, the KHP issued a \$750 civil penalty against Respondent for (a) operating in interstate commerce in Kansas while driving beyond the 14-hour duty period, in violation of 49 C.F.R. 395.3(a)(2), as adopted by K.A.R. 82-

4-3a; and for (b) providing a false report of driver's record of duty status, in violation of 49 C.F.R. 395.8(e), as adopted by K.A.R. 82-4-3a.

4. On May 5, 2015, Staff completed its review of the records pertaining to this docket. Staff recommends the Commission uphold the \$500 civil penalty assessed against Respondent for the false report of driver's record of duty status violation.

5. Staff also found that Respondent made a good faith effort to come into compliance after the violations, as demonstrated by Respondent's prompt remedial action taken with its driver. Thus, Staff recommends the \$250 civil penalty for the 14-hour duty period violation be waived.

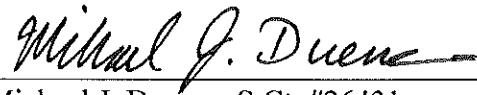
6. On May 6, 2015, based on negotiations with Respondent's counsel, Respondent agrees to drop its challenge to the above two violations and accept the waiver of the \$250 civil penalty assessed for the 14-hour duty period violation. Thus, the evidentiary hearing scheduled for June 2, 2015, is no longer necessary.

7. Litigation Counsel for Staff moves to dismiss Respondent's request for hearing, to uphold the \$500 civil penalty assessed against Respondent for a false report of driver's record of duty status, and to waive the \$250 civil penalty assessed against Respondent for the 14-hour duty period violation.

8. Staff further moves that the above-referenced docket be closed.

WHEREFORE, for the reasons set forth above, Litigation Counsel for Staff respectfully requests the Commission find that Slik Transport, LLC's request for hearing be dismissed, the \$500 civil penalty assessed against Slik Transport, LLC for a false report of driver's record of duty status be upheld, the \$250 civil penalty assessed against Slik Transport, LLC for the 14-hour duty period violation be waived and the status of this docket be changed to "closed."

Respectfully submitted,

A handwritten signature in black ink, reading "Michael J. Duenes", followed by a horizontal line.

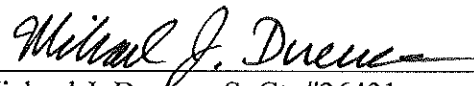
Michael J. Duenes, S.Ct. #26431  
Litigation Counsel  
Kansas Corporation Commission  
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Topeka, Kansas 66604  
(785) 271-3181 (Telephone)  
(785) 271-3124 (Facsimile)  
Email: [m.duenes@kcc.ks.gov](mailto:m.duenes@kcc.ks.gov)

For Commission Staff

**VERIFICATION**

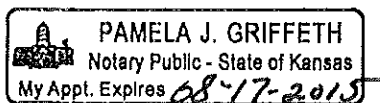
STATE OF KANSAS                     )  
  ) ss.  
COUNTY OF SHAWNEE            )

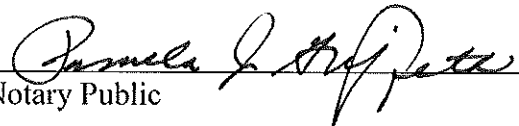
Michael J. Duenes, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Motion to Dismiss Request for Hearing and Waive Portion of a Civil Penalty* and attests that the statements therein are true to the best of his knowledge, information and belief.



Michael J. Duenes, S. Ct. #26431  
Litigation Counsel  
The State Corporation Commission  
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 6<sup>th</sup> day of May, 2015.



  
Notary Public

My Appointment Expires: August 17, 2015



Shari Feist Albrecht, Chair  
Jay Scott Emler, Commissioner  
Pat Apple, Commissioner

Sam Brownback, Governor

## NOTICE OF VIOLATION

March 3, 2015

SLIK TRANSPORT LLC  
781 ARROWHEAD ROAD  
WAXAHACHIE, TX 75167

Re: Roadside Driver/Vehicle Examination Report No. KSHP20410094

This is a Notice of Probable Violation(s) of Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a roadside inspection conducted by the Kansas Highway Patrol.

Kansas Highway Patrol Officer W.M. SHEA inspected vehicle [REDACTED] 40861 on February 25, 2015 and violation(s) of Federal Motor Carrier Safety Regulations, as adopted by K.S.A. 66-1,129 and K.A.R. 82-4-3 et seq. were discovered. After a thorough review of your inspection, violation(s), along with associated penalties, have been assessed.

You have thirty (30) days, from the date of this letter, to pay the fine amount, as indicated in the enclosed invoice. Failure to addresss this matter may negatively impact your KCC operating authority or result in the issuance of an Out-of-Service order in the State of Kansas. You have the following options:

**1. Direct any disputed questions regarding violations and /or hearing requests to:**

**Kansas Highway Patrol  
Motor Carrier Safety Assistance  
700 SW Jackson, Suite 704  
Topeka, Kansas 66603  
(785) 296-8157**

2. Pay the fine amount as indicated in the enclosed invoice: **H000553809**
3. You have the right to an administrative hearing with the Kansas Corporation Commission by contacting the Kansas Highway Patrol.
4. Failure to pay the fine amount or request a hearing within thirty (30) days will result in carrier being in default. Carrier will not be able to make changes to KCC authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

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## INVOICE



SLIK TRANSPORT LLC  
781 ARROWHEAD ROAD  
WAXAHACHIE, TX 75167

Invoice Date: March 3, 2015

Invoice Number: H000553809

Due Date: April 2, 2015

Power Unit Identification at Time of Inspection:

Unit #	Unit Make	Unit License	VIN	License Number	Company ID
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40861

Unit	Violation	Violation Description	Penalty
	395.3A2-PROP	Driving beyond 14 hour duty period (Property carrying vehicle)	250.00
	395.3A3-PROP	Driving beyond 11 hour driving limit in a 14 hour period. (Property Carrying Vehicle)	0.00
	395.8E	False report of drivers record of duty status	500.00
<b>Total Due:</b>			<b>\$750.00</b>

***Please return the enclosed invoice with your payment,  
payable to the Kansas Corporation Commission.***

Failure to pay the fine amount or request a hearing within thirty (30) days will result in carrier being in default. Carrier will not be able to make changes to authority, including but not limited to adding vehicles, name changes or renewal of authority, until the fine has been paid or the matter is resolved.

Carriers registered under the Unified Carrier Registration Act (UCRA) program that maintains intrastate authority will be reviewed annually for compliance.

Payment options: check, money order or credit card.

Circle the type of credit card (Visa, MasterCard, Discover, or American Express)

Credit card number \_\_\_\_\_ and Expiration Date \_\_\_\_ / \_\_\_\_

Please direct any questions regarding the violations and/or fine amounts to the  
Kansas Highway Patrol, Motor Carrier Safety Assistance at (785) 296-8157.

## CERTIFICATE OF SERVICE

15-GIMM-469-KHP

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Staff's Motion to Dismiss Request for Hearing and Waive Portion of a Civil Penalty was served by electronic service on this 6th day of May, 2015, to the following:

MICHAEL DUENES, LITIGATION COUNSEL  
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nicholas@klepperlaw.com

  
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Pamela Griffeth  
Administrative Specialist