

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

In the Matter of the Investigation of)
Brandon J Schwartz d/b/a Brandon)
Schwartz Trucking of Great Bend,)
Kansas, Regarding the Violation of the) Docket No. 25-TRAM-095-PEN
Motor Carrier Safety Statutes, Rules and)
Regulations and the Commission's)
Authority to Impose Penalties, Sanctions)
and/or the Revocation of Motor Carrier)
Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER OPERATIONS

The Staff of the State Corporation Commission of the State of Kansas (Staff), by and through its counsel, files its motion requesting the Commission suspend Brandon J Schwartz d/b/a Brandon Schwartz Trucking of Great Bend, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. 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 40 C.F.R. 390.5 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.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, 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. 66-1,105, “[e]very order and decision of the commission on matters covered by this act shall become operative and effective within 30 days after service, and the motor carrier shall carry the provisions of the order into effect, unless the order is enjoined or set aside by a court of proper jurisdiction.”

4. Carrier is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.

5. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 2562506. Carrier’s USDOT Profile was updated on February 26, 2024, by the filing of an MCS-150 form that lists its current physical and mailing address, phone number and email address. A copy of Carrier’s MCS-150 form is attached hereto as Attachment “A” and is hereby incorporated by reference.

6. On July 25, 2024, the Commission issued Carrier a Penalty Order that assessed a civil penalty of \$1,200 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by a Staff Special Investigator on July 17, 2024. In the Penalty Order, the Carrier was ordered to pay the \$1,200 civil penalty within thirty (30) days of service, to attend a Commission-sponsored safety seminar within ninety (90) days of the date of the Penalty Order, and to submit a written, comprehensive corrective action plan (CAP) to Transportation Staff within thirty (30) days of the date of the Penalty Order.

7. The Carrier was served with the Penalty Order via certified mail, return receipt requested, on August 1, 2024. A Proof of Service was filed in this docket on October 10, 2024. The Carrier had 30 days from the date served to pay the civil penalty of \$1,200, 90 days from the date of the Penalty Order to attend a Commission-sponsored safety seminar and 30 days from the date of the Penalty Order to submit a CAP.

8. Carrier was sent a collection letter to the mailing address listed on its MCS-150 form on August 27, 2024, reminding it of the amount due and giving it 10 days from the date of the collection letter to pay. A copy of the collection letter is attached hereto as Attachment “B” and is hereby incorporated by reference.

9. As of October 25, 2024, Commission records indicate that Carrier has not complied with the collection letter or the requirements of the Penalty Order.

10. Staff requests the Commission find that Carrier received sufficient notice of the requirement to comply with the Penalty Order issued July 25, 2024, including written notice by the collection letter sent August 27, 2024.

11. Staff asks that the Commission find Carrier failed to respond and has not complied with the Commission’s Penalty Order, which is a violation of K.S.A. 66-1,105 and 66-1,142b.

12. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier’s intrastate motor carrier operations until such time as Carrier pays the penalty of \$1,200, require the Carrier to attend a Commission-sponsored safety seminar and submit a CAP that meets the approval of Transportation Staff, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier’s intrastate motor carrier.

Respectfully submitted,

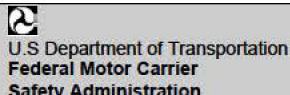
/s/ Ahsan A. Latif

Ahsan A. Latif, #24709
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For Commission Staff

ATTACHMENT “A”



MOTOR CARRIER IDENTIFICATION REPORT

(Application for U.S. DOT NUMBER)

REASON FOR FILING (Check Only One)
 NEW APPLICATION BIENNIAL UPDATE OR CHANGES OUT OF BUSINESS NOTIFICATION REAPPLICATION (AFTER REVOCATION OF NEW ENTRANT)

1. NAME OF MOTOR CARRIER BRANDON J SCHWARTZ				2. TRADE OR D.B.A. (DOING BUSINESS AS) NAME BRANDON SCHWARTZ TRUCKING			
3. PRINCIPAL ADDRESS 5950 ANCHORWAY		4. CITY GREAT BEND		5. STATE/PROVINCE KANSAS		6. ZIP CODE + 4 67530-3332	7. COLONIA (MEXICO ONLY)
8. MAILING ADDRESS PO BOX 396		9. CITY GREAT BEND		10. STATE/PROVINCE KANSAS		11. ZIP CODE+4 67530	12. COLONIA (MEXICO ONLY)
13. PRINCIPAL BUSINESS PHONE NUMBER (620) 786-1414			14. PRINCIPAL CONTACT CELL PHONE NUMBER (620) 786-1414			15. PRINCIPAL BUSINESS FAX NUMBER	
16. USDOT NO. 2562506	17. MC OR MX NO.	18. DUN & BRADSTREET NO.	19. IRS/TAX ID NO. EIN# XXXXXXXXXX SSN#	20. INTERNET E-MAIL ADDRESS MARGIMARLEY@GMAIL.COM	21. CARRIER MILEAGE (to nearest 10,000 miles for Last Calendar Year) YEAR 43097 2023	22. COMPANY OPERATION (Mark all that apply) A. Interstate Carrier B. Intrastate Hazmat Carrier <input checked="" type="checkbox"/> C. Intrastate Non-Hazmat Carrier D. Interstate Hazmat Shipper E. Intrastate Hazmat Shipper F. Vehicle Registrant Only	23. OPERATION CLASSIFICATION (Circle All that Apply) <input checked="" type="checkbox"/> A. Authorized For-Hire D. Private Passengers (Business) G. U. S. Mail J. Local Government B. Exempt For-Hire E. Private Passengers (Non-Business) H. Federal Government K. Indian Tribe C. Private Property F. Migrant I. State Government L. Other

24. CARGO CLASSIFICATIONS (Circle All that Apply)

<input checked="" type="checkbox"/> A. GENERAL FREIGHT	<input type="checkbox"/> F. LOGS, POLES, BEAMS, LUMBER	<input type="checkbox"/> J. FRESH PRODUCE	<input checked="" type="checkbox"/> P. GRAIN, FEED, HAY	<input checked="" type="checkbox"/> V. COMMODITIES DRY BULK	<input type="checkbox"/> BB. CONSTRUCTION
<input type="checkbox"/> B. HOUSEHOLD GOODS	<input type="checkbox"/> G. BUILDING MATERIALS	<input type="checkbox"/> K. LIQUIDS/GASES	<input type="checkbox"/> Q. COAL/COKE	<input type="checkbox"/> W. REFRIGERATED FOOD	<input type="checkbox"/> CC. WATER WELL
<input type="checkbox"/> C. METAL; SHEETS; COILS; ROLLS	<input type="checkbox"/> H. MOBILE HOMES	<input type="checkbox"/> L. INTERMODAL CONT.	<input type="checkbox"/> R. MEAT	<input type="checkbox"/> X. BEVERAGES	<input type="checkbox"/> DD. OTHER
<input type="checkbox"/> D. MOTOR VEHICLES	<input type="checkbox"/> I. MACHINERY, LARGE OBJECTS	<input type="checkbox"/> M. PASSENGERS	<input type="checkbox"/> S. GARBAGE, REFUSE, TRASH	<input type="checkbox"/> Y. PAPER PRODUCTS	
<input type="checkbox"/> E. DRIVE AWAY/TOWAWAY	<input type="checkbox"/> N. OIL FIELD EQUIPMENT	<input type="checkbox"/> T. U.S. MAIL	<input type="checkbox"/> Z. UTILITY	<input checked="" type="checkbox"/> AA. FARM SUPPLIES	
	<input type="checkbox"/> O. LIVESTOCK	<input type="checkbox"/> U. CHEMICALS			

25. HAZARDOUS MATERIALS CARRIED OR SHIPPED (Circle All that Apply) C-CARRIED S-SHIPPED B(BULK) - IN CARGO TANKS NB(NON-BULK) - IN PACKAGE

C S A. DIV 1.1	B NB	C S K. DIV 2.2A (Ammonia)	B NB	C S U. DIV 4.2	B NB	C S EE. HRCQ	B NB
C S B. DIV 1.2	B NB	C S L. DIV 2.3A	B NB	C S V. DIV 4.3	B NB	C S FF. CLASS 8	B NB
C S C. DIV 1.3	B NB	C S M. DIV 2.3B	B NB	C S W. DIV 5.1	B NB	C S GG. CLASS 8A	B NB
C S D. DIV 1.4	B NB	C S N. DIV 2.3C	B NB	C S X. DIV 5.2	B NB	C S HH. CLASS 8B	B NB
C S E. DIV 1.5	B NB	C S O. DIV 2.3D	B NB	C S Y. DIV 6.2	B NB	C S II. CLASS 9	B NB
C S F. DIV 1.6	B NB	C S P. Class 3	B NB	C S Z. DIV 6.1A	B NB	C S JJ. ELEVATED TEMP MAT.	B NB
C S G. DIV 2.1	B NB	C S Q. Class 3A	B NB	C S AA. DIV 6.1B	B NB	C S KK. INFECTIOUS WASTE	B NB
C S H. DIV 2.1 LPG	B NB	C S R. Class 3B	B NB	C S BB. DIV 6.1 Poison	B NB	C S LL. MARINE POLLUTANTS	B NB
C S I. DIV 2.1 (Methane)	B NB	C S S. COM LIQ	B NB	C S CC. DIV 6.1 SOLID	B NB	C S MM. HAZARDOUS SUB(RQ)	B NB
C S J. DIV 2.2	B NB	C S T. DIV 4.1	B NB	C S DD. CLASS 7	B NB	C S NN. HAZARDOUS WASTE	B NB
				C S	OO. ORM	C S	B NB

26. NUMBER OF VEHICLES THAT CAN BE OPERATED IN THE U.S.

	Straight Trucks	Truck Tractors	Trailers	Hazmat Cargo Tank Trucks	Hazmat Cargo Tank Trailers	Motor Coach	School Bus			Mini-bus		Van		Limousine			
							Number of vehicles carrying number of passengers (including the driver) below										
							1-8	9-15	16+	16+	1-8	9-15	1-8	9-15	16+		
OWNED			1	1													
TERM LEASED																	
TRIP LEASED																	

27. DRIVER INFORMATION

Within 100-Mile Radius	INTERSTATE	INTRASTATE	TOTAL DRIVERS	TOTAL CDL DRIVERS
0	0	1	1	1
0	0	1		

28. IS YOUR U.S. DOT NUMBER REGISTRATION CURRENTLY REVOKED BY THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION? Yes _____ No X

If Yes, enter your U.S. DOT Number. _____

29. PLEASE ENTER NAME(S) OF SOLE PROPRIETOR(S), OFFICERS OR PARTNERS AND TITLES (e.g. PRESIDENT, TREASURER, GENERAL PARTNER, LIMITED PARTNER)

1. **BRANDON J SCHWARTZ, OWNER/OPERATOR** 2. _____
 (Please print Name) (Please print Name)

30. CERTIFICATION STATEMENT (to be completed by an authorized official)

I, **BRANDON J SCHWARTZ** (Please print Name), certify that I am familiar with the Federal Motor Carrier Safety Regulations and/or Federal Hazardous Materials Regulations. Under penalties of perjury, I declare that the information entered on this report is, to the best of my knowledge and belief, true, correct, and complete.

Signature **BRANDON J SCHWARTZ** Date **02/26/2024** Title **OWNER OPERATOR**
 (Please print)

ATTACHMENT “B”

August 27, 2024

Brandon J Schwartz d/b/a Brandon Schwartz Trucking
PO Box 396
Great Bend, KS 67530

Re: Docket No. 25-TRAM-095-PEN
In the Matter of the Investigation of **Brandon J Schwartz d/b/a Brandon Schwartz Trucking of Great Bend, Kansas**, Regarding the Violation(s) 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.

On July 25, 2024, a Penalty Order was issued against Brandon J Schwartz d/b/a Brandon Schwartz Trucking for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$1,200.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission to avoid sending this matter to a collection agency and/or submission to the Kansas state setoff program for the garnishment of any tax refund that might be due you. Please remit payment of \$1,200 through your personal account in the Kansas Corporation Commission's KTRAN application located at <https://puc.kcc.ks.gov/ktran/>. If you have not received a letter from the Transportation Division assigning you a PIN, please contact that Division at 785-271-3145. You must have an account through KTRAN to pay the penalty owed. **Payment must be made within the next 10 days.**

This letter further serves as notice that operation of a commercial motor vehicle in violation of a Commission Penalty Order may subject your company to additional civil penalties and sanctions, including the issuance and enforcement of out-of-service orders and possible impoundments.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please feel free to call me at 785-271-3118.

Respectfully,

/s/ Ahsan A. Latif

Ahsan A. Latif
Litigation Counsel
ahsan.latif@ks.gov

CERTIFICATE OF SERVICE

25-TRAM-095-PEN

I, the undersigned, certify that a true copy of the attached Motion has been served to the following by means of electronic service on October 25, 2024.

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

BRANDON J. SCHWARTZ, OWNER
BRANDON J. SCHWARTZ
D/B/A BRANDON SCHWARTZ TRUCKING
PO BOX 396
GREAT BEND, KS 67530
bschwartz_1414@icloud.com

/S/ Kiley McManaman
Kiley McManaman
