BEFORE THE STATE CORPORATION COMMISSION OF THE STATE OF KANSAS

In the Matter of the Investigation of Dustin O.)	
Wyland, d/b/a Olin Wyland Trucking of)	
Mulberry, Kansas, Regarding the Violation of)	
the Motor Carrier Safety Statutes, Rules and)	Docket No. 19-TRAM-407-PEN
Regulations and the Commission's Authority)	
to Impose Penalties, Sanctions and/or the)	
Revocation of Motor Carrier Authority.)	

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Dustin O. Wyland, d/b/a Olin Wyland Trucking (Olin Wyland Trucking), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated April 16, 2019. In support of its Motion, Staff states as follows:

- 1. On April 16, 2019, a Penalty Order was issued to Olin Wyland Trucking assessing it a penalty of \$600 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 on March 21, 2019, by Special Investigator Michael Heenan.
- 2. The Notice of Penalty Assessment advised Olin Wyland Trucking it was a New Entrant carrier and may be 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.

- 3. On May 1, 2019, Olin Wyland Trucking submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.
- 4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Olin Wyland Trucking a 50% reduced penalty of \$300 and requesting it to comply with the following terms and obligations:
 - a. within thirty (30) days from the date of the Penalty Order dated April 16,
 2019, Olin Wyland Trucking 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, Olin Wyland Trucking must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
 - c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Olin Wyland Trucking must make the payment of \$300 through the KTRAN system located at https://puc.kcc.ks.gov/ktran/.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Dustin O. Wyland, d/b/a Olin Wyland Trucking a reduced penalty of \$300 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 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

19-TRAM-407-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 for Order Amending Penalty Assessment*, 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 May, 2019.

Notary Public - State of Kansas My Appt. Expires (-30-22 Vicis Jacobsen Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road Topeka, KS 66604-4027



Phone: 785-271-3100 Fax: 785-271-3354 http://kcc.ks.gov/

Laura Kelly. Governor

Dwight D. Keen, Chair Shari Feist Albrecht, Commissioner Jay Scott Emler, Commissioner

REDUCED PENALTY AGREEMENT

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Dustin O. Wyland, d/b/a Olin Wyland Trucking (Olin Wyland Trucking) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated April 16, 2019. Olin Wyland Trucking has agreed to comply with the following terms and obligations:

- 1. Olin Wyland Trucking has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
- 2. Olin Wyland Trucking will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
- 3. Olin Wyland Trucking will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
- 4. Olin Wyland Trucking will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Dustin O. Wyland, d/b/a Olin Wyland Trucking understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$300, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Olin Wyland Trucking will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 26 day of APC_{11} , 2019.

Dustin O. Wyland, d/b/a Olin Wyland Trucking

Dustin O. Wyland

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(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Latif, Litigation Counsel, or sent via e-mail to <u>v.jacobsen@kcc.ks.gov</u> and <u>alatif@kcc.ks.gov</u>.)

CERTIFICATE OF SERVICE

19-TRAM-407-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion for Order Amending Penalty Assessment was placed in the United States mail, postage prepaid, or hand-delivered this 2nd day of May, 2019, to the following:

DUSTIN O. WYLAND, OWNER DUSTIN O. WYLAND D/B/A OLIN WYLAND TRUCKING 118 S HICKORY MULBERRY, KS 66756 dustinwyland@yahoo.com AHSAN LATIF, LITIGATION COUNSEL KANSAS CORPORATION COMMISSION 1500 SW ARROWHEAD RD TOPEKA, KS 66604 Fax: 785-271-3354 a.latif@kcc.ks.gov

Vicki Jacobsen