

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

In the Matter of the Investigation of )  
**Charles Ethan Ball, d/b/a Cow Chow** )  
**Express of Garden City, Kansas,** ) Docket No. 20-TRAM-173-PEN  
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. )

**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 Charles Ethan Ball, d/b/a Cow Chow Express of Garden City, Kansas (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent 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.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 3105300.
3. On October 17, 2019, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$2,750 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Penny Fryback on October 1, 2019.
4. The Respondent was served with the Penalty Order on November 16, 2019.
5. The Respondent had 30 days from the date served to pay the civil penalty of \$2,750.

6. On December 19, 2019, the Respondent filed a Request for Hearing, stating the attachments to the penalty order were for an entirely different company.

7. On January 9, 2020, an Amended Penalty Order was issued, attaching the correct documents. Respondent signed the green Domestic Receipt indication he obtained the Amended Penalty Order on January 22, 2020.

8. On January 30, 2020, Staff filed a Motion to Dismiss Request for Hearing, and the Commission issued an Order Granting Staff's Motion to Dismiss Request for Hearing on March 10, 2020.

9. Respondent was sent a collection letter on March 4, 2019, 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.

10. As of April 8, 2020, Commission records indicate that Respondent has not complied with the collection letter or the requirements of the Penalty Order.

11. Staff asks the Commission find that Respondent's failure to comply with the requirements of the Penalty Order poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

12. Based on the presented facts, Staff requests the Commission issue an order suspending Respondent's intrastate motor carrier operations until such time as Respondent pays the penalty of \$2,750, 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 Respondent's intrastate motor carrier operations, and order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days from the

date of the Order of Suspension, and for it to provide Litigation Counsel with written proof of attendance.

Respectfully submitted,

/s/ Ahsan A. Latif  
Ahsan A. Latif, #24709  
Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, Kansas 66604  
(785) 271-3181 (Telephone)  
(785) 271-3124 (Facsimile)  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov) (E-mail)

For Commission Staff

1500 SW Arrowhead Road  
Topeka, KS 66604-4027



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

Susan K. Duffy, Chair  
Shari Feist Albrecht, Commissioner  
Dwight D. Keen, Commissioner

Laura Kelly, Governor

March 4, 2019

Charles Ethan Ball  
d/b/a Cow Chow Express  
3980 W Parellel Rd  
Garden City, Kansas 67846

Re: Docket No. 20-TRAM-173-PEN  
In the Matter of the Investigation of **Charles Ethan Ball, d/b/a Cow Chow Express of Garden City, 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

Dear Mr. Ball:

On January 9, 2020, a Penalty Order was issued against Charles Ethan Ball, d/b/a Cow Chow Express for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$2,750.

To date, this civil penalty has not been paid, nor has evidence been provided to the Commission of compliance with the terms and conditions of the above-referenced Penalty Order. In order 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 \$2,750, 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,

Ahsan Latif  
Litigation Counsel  
[a.latif@kcc.ks.gov](mailto:a.latif@kcc.ks.gov)

**VERIFICATION**

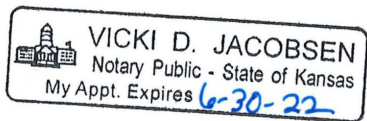
**20-TRAM-173-PEN**

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 Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

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

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of April, 2020.



Vicki D. Jacobsen  
Notary Public

My Appointment Expires: June 30, 2022

**CERTIFICATE OF SERVICE**

20-TRAM-173-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operation was placed in the United States mail, postage prepaid, or hand-delivered this 8<sup>th</sup> day of April, 2020, to the following:

CHARLES ETHAN BALL, OWNER  
CHARLES ETHAN BALL  
D/B/A COW CHOW EXPRESS  
3980 W PARALLEL RD  
GARDEN CITY, KS 67846-8953  
charlesball1993@gmail.com

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

J. SCOTT KOKSAL, PARTNER  
LINDER, MARQUEZ & KOKSAL  
505 NORTH 6TH  
GARDEN CITY, KS 67846  
scott@lmandk.com

  
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Vicki Jacobsen