

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

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

In the Matter of the Investigation of **Solomon Valley Feeders, LLC of Beloit, Kansas,**)
Pursuant to the Kansas Highway Patrol)
Issuance of a Notice of Violation(s) and) Docket No. 16-GIMM-527-KHP
Invoice for the Violations of the Kansas Motor)
Carrier Safety Statutes, Rules and Regulations.)

ORDER TO DISMISS REQUEST FOR HEARING AND WAIVE CIVIL PENALTY

The above-captioned matter comes before the State Corporation Commission of the State of Kansas (Commission) for consideration and determination. Having examined its files and records and being fully advised on the premises, the Commission finds and concludes as follows:

1. On May 12, 2016, the Kansas Highway Patrol issued a Notice of Violation against Solomon Valley Feeders (Respondent), for alleged violations found during a March 17, 2016, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol. Respondent was assessed an \$850.00 civil fine for the following violations: (1) a \$150 fine for “No/Improper Breakaway or Emergency Braking,” citing 393.43, (2) a \$150 fine for “Flat tire or fabric exposed,” citing 393.75A, (3) a \$150 fine for “Inoperable Required Lamp,” citing 393.9, (4) a \$150 fine for “Operating a CMV without a CDL,” citing 383.23A2 and (5) a \$250 fine for “No drivers record of duty status,” citing 395.8A.

2. On April 21, 2016, Respondent initiated a formal challenge, claiming the violation was not valid because the truck and trailer were not commercial motor vehicles and was hauling pipe to be used for “farm purposes and not for commercial purposes.”

3. On April 26, 2016, the Kansas Highway Patrol denied Respondent's challenge and advised Solomon Valley Feeders of its right to an administrative hearing before the Commission.

4. On May 6, 2016, Respondent requested a hearing before the Commission.

5. On June 7, 2016, the Commission issued an Order Setting Hearing for July 13, 2016 at 9:00 a.m.

6. Staff has reviewed the facts surrounding the March 17, 2016, traffic stop and has determined that the available evidence does not support a violation and civil penalty against Respondent, and the hearing on July 13, 2016 in this docket is no longer necessary.

7. On June 22, 2016, Staff filed a Motion to Dismiss, recommending the Commission find that Respondent's request for hearing be dismissed, the \$850 in civil penalties assessed against Respondent be waived, and the status of this docket be changed to "closed."

8. The Commission has jurisdiction over this proceeding pursuant to K.S.A. 66-1,129 and K.A.R. 82-4-3, *et seq.*

9. The Commission finds that Staff's requests are reasonable and hereby dismisses Respondent's request for hearing, waives the \$850 in civil penalties assessed against Respondent, with prejudice, and closes the above docket.

IT IS THEREFORE, BY THE COMMISSION ORDERED THAT:

(A) Staff's Motion to Dismiss Request for Hearing and Waive Civil Penalty is hereby granted.

(B) The \$850 in civil penalties assessed against Respondent are hereby waived, with prejudice.

(C) Respondent's Request for Hearing is hereby dismissed, with prejudice.

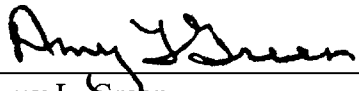
(D) The parties have fifteen days, plus three days if service of this order is by mail, from the date this order was served in which to petition the Commission for reconsideration of any issue or issues decided herein. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529(a)(1).

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

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JUN 30 2016



Amy L. Green
Secretary to the Commission

SF/aal

Order Mailed Date

JUL 01 2016

CERTIFICATE OF SERVICE

16-GIMM-527-KHP

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of

Electronic Service on JUN 30 2016.

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/S/ DeeAnn Shupe

DeeAnn Shupe

Order Mailed Date

JUL 01 2016