

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

In the Matter of the Investigation of)
Savannah Traders LLC of Overland)
Park, Kansas, Regarding the Violation of) Docket No. 19-TRAM-429-PEN
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 Savannah Traders LLC of Overland Park, 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 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 2551471.
3. On May 2, 2019, the Commission issued Respondent a Penalty Order that assessed a civil penalty of \$3,350 for violations of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted by Special Investigator Wade Patterson on April 15, 2019.¹

¹ Penalty Order, (May 2, 2019),

4. The Respondent was served with the Penalty Order via certified mail, return receipt requested, on May 4, 2019. A Proof of Service² was filed in this docket on May 8, 2019. The Respondent had 30 days from the date served to pay the civil penalty of \$3,350.

5. On July 30, 2019, the Commission issued an Order Suspending Intrastate Motor Carrier Operations³ based on Staff's Motion indicating Savannah Traders has not paid its penalty order assessing fines of \$3,350.

6. Charles Mulengo, Member of Savannah Traders, contacted Ahsan Latif and Transportation Staff negotiated a settlement agreement⁴ that was filed on September 12, 2019. After the agreement, Staff filed on September 17, 2019, a Motion to Reinstate Intrastate Motor Carrier,⁵ and a Motion to Approve Stipulated Settlement Agreement. The Commission approved the Motion to Reinstate by issuing an Order⁶ on September 17, 2019.

7. Further, on September 17, 2019, the Commission issued an Order Approving the Stipulated Settlement Agreement⁷ wherein it was agreed by the parties that the \$3,000 fine for operating a commercial vehicle that was out of service was reduced to \$500, and the penalty of \$350 for failing to maintain inspection documents remains, adjusting the total penalty owed to \$850. The Order stated Savannah Traders was to pay the penalty of \$850 within 30 days of the issuance of the Order Approving Stipulated Settlement Agreement.⁸

8. Respondent was sent a collection letter on November 6, 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.

² Proof of Service, (May 8, 2019).

³ Order Suspending Intrastate Motor Carrier Operations, (Jul. 30, 2019).

⁴ Joint Motion for Approval of Stipulated Settlement Agreement (Sep. 12, 2019)

⁵ Motion to Reinstate Intrastate Motor Carrier Operations (Sep. 12, 2019).

⁶ Order Reinstating Intrastate Motor Carrier Operations (Sep. 17, 2019).

⁷ Order Approving Stipulated Settlement Agreement (Sep. 17, 2019)

⁸ Order Approving Stipulated Settlement Agreement p. 2, ¶ 6 (Sep. 17, 2019)

9. As of November 19, 2019, Commission records indicate that Respondent has not complied with the Commission Orders or the collection letter.

10. Staff asks the Commission find Respondent failed to comply with Commission orders, by failing to pay the fine of \$850 within 30 days of issuance of the September 17, 2017, Order Approving Stipulated Settlement Agreement

11. Staff asks the Commission find that Respondent's failure to comply with the requirements of Commission Orders stated above 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 \$850, at which time Staff will recommend the Commission enter an order of reinstatement of intrastate motor carrier operations.

13. Furthermore, Staff requests the Commission 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.

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,



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 (E-mail)


For Commission Staff

VERIFICATION

19-TRAM-429-PEN

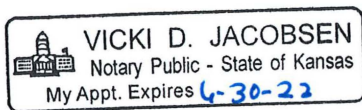
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

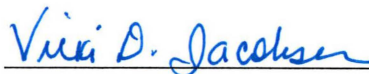
Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion to Suspend Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



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

SUBSCRIBED AND SWORN to before me this 19th day of September, 2019.





Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-4027



COPY

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

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

Laura Kelly, Governor

November 6, 2019

Charles Mulengo
Savannah Traders LLC
12904 W 10th Street
Overland Park, Kansas 66210

Re: Docket No. 19-TRAM-429-PEN
In the Matter of the Investigation of **Savannah Traders LLC of Overland Park, 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. Mulengo:

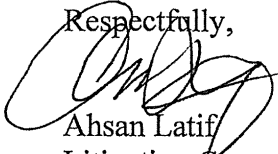
On May 2, 2019, a Penalty Order was issued against Savannah Traders LLC for violations of motor carrier safety statutes, rules and regulations. The order assessed it a civil penalty of \$3,350.

On September 17, 2019, the Commission approved the Stipulated Settlement Agreement which Savannah Traders entered into with Staff of the Transportation Division, wherein it reduced the penalty assessed from \$3,350 to \$850. It was also agreed that Savannah Traders would pay the amount of \$850 within 30 days from the date of the Order. To date, we have not received payment from you and your account is now delinquent. 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 \$850 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

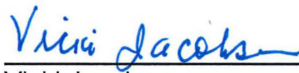
CERTIFICATE OF SERVICE

19-TRAM-429-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Operations was placed in the United States mail, postage prepaid, and e-mailed this 19th day of November, 2019, to the following:

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

CHARLES MULENGO, MANAGING MEMBER
SAVANNAH TRADERS LLC
12904 W 108TH ST
OVERLAND PARK, KS 66210-1108
Fax: 888-411-2820
trader@savannahtraders.com



Vicki Jacobsen