

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

JUN 10 2013
by
State Corporation Commission
of Kansas

In the Matter of the Investigation of Larry)
Prawl, d/b/a J & L Mobile Homes, of)
Manhattan, Kansas, 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.)

Docket No. 13-TRAM-023-PEN

MOTION TO SUSPEND MOTOR CARRIER OPERATING AUTHORITY

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 Larry Prawl, d/b/a J & L Mobile Homes (Respondent) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Respondent obtained private and common operating authority from the Commission on November 29, 2011, and operates under KSMCID number 168880 and USDOT number 528382.
2. On June 20, 2012, Staff Special Investigator Lance Jones conducted a compliance review of the operations Respondent. As a result of this investigation, Mr. Jones identified three (3) violations of the Motor Carrier Safety Regulations.
3. On July 25, 2012, the Commission issued a Penalty Order in this docket assessing a \$1,750 civil penalty for three (3) violations of Kansas law governing the regulation of motor carriers, the Kansas Administrative Regulations and provisions of the Federal Motor Carrier Safety Regulations, as adopted by the Kansas Administrative Regulations.

4. Staff and Respondent entered into a stipulated settlement agreement and payment plan for the civil penalty which was approved by the Commission on November 20, 2012. The agreement directed that Respondent make four (4) monthly payments, the first payment was made on November 7, 2012 in the amount of \$300 and the remaining three (3) payments in the amounts of \$600, \$550, and \$300, respectively be due and payable on the 10th day of each month beginning December 2012.

5. Fiscal records indicate that, as of the date of this filing, only the first payment in the amount of \$300 was made, and the balance of \$1,450 remains due and payable.

6. Staff asks the Commission to find Respondent received sufficient notice of the Penalty Order and Order on Stipulated Settlement Agreement, and requisite opportunity to pay the penalty assessment.

7. Staff asks that the Commission find Respondent failed to act upon the Commission's Orders.

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

9. Based on the presented facts, Staff requests the Commission issue a Suspension of Operating Authority Order until such time as Respondent pays the penalty amount of \$1,450, at which time Staff will recommend to the Commission to enter an order of reinstatement of motor carrier operating authority.

10. Furthermore, Staff requests the Commission order Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Respondent's operating authority and ordering Respondent to attend a Commission-sponsored safety seminar within the next ninety (90) days, and to provide Staff with written proof of attendance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amber Smith", is positioned above a horizontal line.

Amber Smith, #23911
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For Commission Staff

VERIFICATION

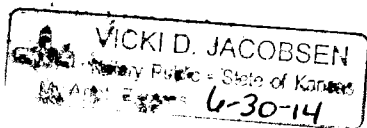
STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

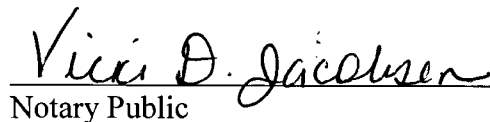
Amber Smith, of lawful age, being duly sworn upon her oath deposes and states that she is Litigation Counsel for the State Corporation Commission of the State of Kansas; that she has read and is familiar with the foregoing *Motion to Suspend Motor Carrier Operating Authority* and attests that the statements therein are true to the best of her knowledge, information and belief.



Amber Smith, S. Ct. #23911
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 10th day of June, 2013.




Notary Public

My Appointment Expires: June 30, 2014

CERTIFICATE OF SERVICE

13-TRAM-023-PEN

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Motion to Suspend Motor Carrier Operating Authority was placed in the United States mail, postage prepaid, or hand-delivered this 11th day of June, 2013, to the following:

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Vicki Jacobsen