

THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

Before Commissioners: Susan K. Duffy, Chair  
Shari Feist Albrecht  
Dwight D. Keen

In the Matter of the Investigation of **Chris** )  
**Marshall Seeds, Inc. of Oakley, KS,** )  
Regarding the Violation of the Motor Carrier )  
Safety Statutes, Rules and Regulations and the ) Docket No. 20-TRAM-466-PEN  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor )  
Carrier Authority. )

**ORDER AMENDING PENALTY ASSESSMENT**

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

**BACKGROUND**

1. On May 21, 2020, this Commission issued a Penalty Order to Chris Marshall Seeds, Inc. (hereinafter Chris Marshall Seeds), assessing it a civil penalty of \$350. The penalty was for two (2) 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.

2. Chris Marshall Seeds was advised that it was a New Entrant motor carrier being reviewed for the first time, and may be eligible for a reduction of the penalty by fifty-percent (50%), as long as it complies with the terms and obligations described in the Reduced Penalty Agreement.

3. On June 16, 2020, Staff filed a Motion for Order Amending Penalty Assessment, recommending the Commission assess Chris Marshall Seeds a reduced penalty of \$175, and set out specific terms and obligations.

4. Staff states that on June 15, 2020, Chris Marshall Seeds timely submitted the signed Reduced Penalty Agreement. A copy of the Reduced Penalty Agreement is attached hereto. The carrier further submitted a Corrective Action Plan (CAP), which has been approved by Transportation Staff.

### **FINDINGS OF FACT**

5. The Penalty Order issued on May 21, 2020, assessed Chris Marshall Seeds a civil penalty of \$350 for two (2) violation(s) of the motor carrier safety statutes, rules and regulations.

6. Staff recommended in its Motion that due to Chris Marshall Seeds' agreement to comply with the terms and obligations for a reduced penalty and approval of its CAP, an Order Amending Penalty Assessment is recommended to be issued by the Commission assessing Chris Marshall Seeds a reduced penalty of \$175, and setting out the terms and obligations as stated in its motion.

7. K.S.A. 66-1,142c authorizes the Commission to determine the amount of civil penalty and states in pertinent part:

“Any civil penalty may be compromised by the state corporation commission. In determining the amount of the penalty or the amount agreed in compromise, the appropriateness of the penalty to the size of the business, the gravity of the violation and the good faith of the person charged in attempting to achieve compliance, shall be considered.”

### **IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:**

A. The civil penalty of \$350 assessed to Chris Marshall Seeds, Inc. in the Penalty Order dated May 21, 2020, is hereby amended to \$175.

B. Payment of \$175 is due within thirty (30) days from the date of service of this Order Amending Penalty Assessment. Payment must be made through your personal account with the Kansas Corporation Commission's KTRAN system located at <https://puc.kcc.ks.gov/ktran/>. You must have an account through KTRAN to pay the penalty owed.

C. Chris Marshall Seeds is ordered to send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and submit proof of attendance to Litigation Counsel. Due to Governor mandated social distancing and prohibitions on gathering of 10 or more, the Commission issued its *Emergency Order Temporarily Suspending the Requirement to Attend Commission Sponsored Safety Seminars During State of Emergency* (Emergency Order) in Docket No. 20-TRAM-392-PEN on March 17, 2020. The carrier's requirement to attend a Commission-sponsored safety seminar must be completed within 90 days of the Commission's Emergency Order being lifted.

D. Chris Marshall Seeds must submit to a follow-up compliance review within eighteen (18) months from the date of the Penalty Order. Transportation Staff will contact Chris Marshall Seeds to schedule the review.

E. If Chris Marshall Seeds fails to pay the reduced fine of \$175 and/or fails to comply with the terms and conditions ordered above, the Commission may order Chris Marshall Seeds additional sanctions, including enforcement of an out-of-service order, revoking its authority or any further sanctions as the Commission deems necessary.

**BY THE COMMISSION IT IS SO ORDERED.**

Duffy, Chair; Albrecht, Commissioner; Keen, Commissioner

Dated: 06/23/2020



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Lynn M. Retz  
Executive Director

AAL

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

Laura Kelly, Governor

### REDUCED PENALTY AGREEMENT

#### 20-TRAM-466-PEN

Chris Marshall Seeds, Inc. (Chris Marshall Seeds) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated May 21, 2020. Chris Marshall Seeds has agreed to comply with the following terms and obligations:

1. Chris Marshall Seeds has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.

2. Chris Marshall Seeds 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. Chris Marshall Seeds 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. Chris Marshall Seeds 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.

Chris Marshall Seeds, Inc. understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$175, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Chris Marshall Seeds will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 2 day of June, 2020.

Chris Marshall Seeds, Inc.

  
Chris Marshall  
President

(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 [v.jacobsen@kcc.ks.gov](mailto:v.jacobsen@kcc.ks.gov) and [alatif@kcc.ks.gov](mailto:alatif@kcc.ks.gov).)

## **CERTIFICATE OF SERVICE**

20-TRAM-466-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of  
first class mail/hand delivered on 06/23/2020.

CHRIS MARSHALL, PRESIDENT  
CHRIS MARSHALL SEEDS, INC.  
411 CORNELL AVENUE  
OAKLEY, KS 67748  
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/S/ DeeAnn Shupe

DeeAnn Shupe