

THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS

Before Commissioners: Shari Feist Albrecht, Chair
 Jay Scott Emler
 Dwight D. Keen

In the Matter of the Investigation of **Concrete**)
Service Co., Inc. of Great Bend, KS,)
Regarding the Violation of the Motor Carrier)
Safety Statutes, Rules and Regulations and the) Docket No. 19-TRAM-075-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 August 28, 2018, this Commission issued a Penalty Order to Concrete Service Co., Inc. (hereinafter Concrete Service), assessing it an enhanced civil penalty of \$2,000. The penalty was for one (1) violation 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. On October 31, 2018, Transportation Staff filed a Motion for Order Amending Penalty Assessment from an enhanced penalty of \$2,000 to a non-enhanced penalty of \$1,000.

FINDINGS OF FACT

3. Staff recommended in its Motion that due to Concrete Service providing further information to Transportation Staff, it was discovered that the violation was not intentional and

the civil penalty should not be enhanced. Staff further discovered that the terms and conditions of the Commission's Penalty Order have been satisfied by Concrete Service.

4. Staff recommends this Commission issue an Order Amending Penalty Assessment assessing Concrete Service a reduced penalty of \$1,000.

5. 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 \$2,000 assessed to Concrete Service Co., Inc. in the Penalty Order dated August 28, 2018, is hereby amended to \$1,000.

B. Payment of \$1,000 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. If Concrete Service fails to pay the reduced fine of \$1,000, the Commission may order Concrete Service additional sanctions, including enforcement of an out-of-service order, revoking its authority or any further sanctions as the Commission deems necessary.

D. 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.

Albrecht, Chair; Emler, Commissioner; Keen, Commissioner

Dated: 11/06/2018



Lynn M. Retz
Secretary to the Commission

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CERTIFICATE OF SERVICE

19-TRAM-075-PEN

I, the undersigned, certify that the true copy of the attached Order has been served to the following parties by means of first class mail/hand delivered on 11/07/2018.

ROY WESTHOFF, PRESIDENT
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/S/ DeeAnn Shupe

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