

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

Before Commissioners: Susan K. Duffy, Chair
Dwight D. Keen
Andrew J. French

In the Matter of the Investigation of)
Crystal's Livestock Express, LLC of)
Pittsburg, Kansas, Regarding the)
Violation of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 19-TRAM-424-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the)
Revocation of Motor Carrier Authority.)

ORDER SUSPENDING INTRASTATE MOTOR CARRIER OPERATIONS

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 duly advised in the premises, the Commission finds and concludes as follows:

I. JURISDICTION AND BACKGROUND

1. Pursuant to K.A.R. 82-4-1b, 66-1,111, 66-1,112, 66-1,114, 66-1,114b and 66-1,115, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in K.A.R. 82-4-3f, doing business or procuring business in Kansas, and is empowered to do all things necessary and convenient for the exercise of such power, authority, and jurisdiction.

2. Pursuant to K.S.A. 66-1,129a, 66-1,130, and 66-1,142b, the Commission may suspend operations, revoke, or amend certificates, and initiate sanctions or fines against every motor carrier and every person who violates any provision of Kansas law in

regard to the regulation of such motor carriers and persons, or who fails to obey any order, decision, or regulation of the Commission.

3. Pursuant to K.S.A. 66-1,129(a)(7), the Commission has adopted motor carrier transportation regulations (K.A.R. 82-4-3f) consistent with the federal motor carrier safety assistance program and other federal requirements concerning transportation of hazardous waste.

II. FINDINGS OF FACTS

4. On December 1, 2020, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to respond to numerous attempts to schedule a safety compliance review on its motor carrier operations.

5. Crystal's Livestock Express, LLC of Pittsburg, Kansas (Crystal's Livestock or Carrier) is a motor carrier as defined in K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.

6. Crystal's Livestock operates under USDOT Number 807187.

7. On April 30, 2019, Crystal's Livestock was issued a penalty assessment for a violation(s) of the Kansas Motor Carrier Safety Statutes, Rules and Regulations discovered during a compliance review conducted on April 3, 2019, by Kansas Corporation Commission Special Investigator Michael Heenan. The Commission's Penalty Order is incorporated herein by reference and made a part of this Order.

8. The Penalty Order at ordering clause B., stated, "Further, Crystal's Livestock Express, LLC must submit to one follow-up safety compliance review within the next 18 months.

9. Special Investigator Verna Jackson has made numerous attempts to contact Crystal's Livestock to facilitate a follow-up off-site safety compliance review on its operations as a motor carrier, to no avail.

10. Ahsan Latif, Litigation Counsel, wrote and mailed Crystal's Livestock a letter on October 12, 2020, informing Crystal's Livestock that should it continue to resist by failing to respond, the Commission may suspend its motor carrier operations, revoke or amend certificates, and/or initiate sanctions or fines against Crystal's Livestock. The letter gave Crystal's Livestock ten (10) days from the date of the letter to respond.

11. As of December 1, 2020, Special Investigator Verna Jackson and Litigation Counsel Ahsan Latif have not heard from Crystal's Livestock to schedule a follow-up motor carrier safety compliance review.

III. CONCLUSIONS OF LAW

12. The Commission finds it has jurisdiction over Crystal's Livestock as the Crystal's Livestock is a motor carrier as defined in K.A.R. 82-4-3f.

13. The Commission finds Crystal's Livestock received sufficient notices of the need to schedule a follow-up safety compliance review of its motor carrier operations. The Commission finds Crystal's Livestock intentionally failed to act upon these notices.

14. The Commission finds Crystal's Livestock's failure to respond to Staff's attempts to contact is intentional and therefore this Commission orders the Crystal's Livestock to suspend all intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as the carrier takes the necessary steps to become compliant.

THE COMMISSION THEREFORE ORDERS THAT:

A. Crystal's Livestock Express, LLC of Pittsburg, Kansas is to be immediately suspended from all intrastate commercial motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 66-1,129, until such time as Crystal's Livestock contacts Special Investigator Michael Heenan or Litigation Counsel Ahsan Latif to schedule a safety compliance review. This Suspension of Intrastate Motor Carrier Operations Order may also attach and apply to the operations of successor entities, including any motor carrier entity or entities established or used to avoid the consequences of any Order to cease operations or suspending operating authority.

B. **Pursuant to K.S.A. 77-537 and K.S.A. 77-542, any party may request a hearing on the above issues by submitting a written request, setting forth the specific grounds upon which relief is sought, to the Commission's Secretary, at 1500 S.W. Arrowhead Road Topeka, Kansas 66604 within fifteen (15) days from the date of service of this Order.** Failure to timely request a hearing will result in a waiver of Crystal's Livestock's right to a hearing, and this Order will become a Final Order against Crystal's Livestock, suspending Crystal's Livestock's motor carrier operations.

C. Failure to comply with the provisions of this Order may result in further sanctions to include, but not limited to, the assessment of civil penalties and/or the impoundment of commercial motor vehicles found operating in violation of this Order and any other remedies available to the Commission by law, without further notice.

BY THE COMMISSION IT IS SO ORDERED.

Duffy, Chair; Keen, Commissioner; French, Commissioner

Dated: 12/08/2020



Lynn M. Retz
Executive Director

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CERTIFICATE OF SERVICE

19-TRAM-424-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 12/08/2020.

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/S/ DeeAnn Shupe

DeeAnn Shupe