

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

Before Commissioners: Andrew J. French, Chairperson  
Dwight D. Keen  
Annie Kuether

In the Matter of the Investigation of **Benjamin** )  
**Arteaga d/b/a Ben Cash of Liberal, Kansas,** )  
Regarding the Violation of the Motor Carrier Safety )  
Statutes, Rules and Regulations and the ) Docket No. 24-TRAM-039-PEN  
Commission's Authority to Impose Penalties, )  
Sanctions and/or the Revocation of Motor Carrier )  
Authority.

**ORDER GRANTING STAFF'S MOTION TO LIFT SUSPENSION AND VACATE  
PENALTY ORDER**

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.S.A. 66-1,111, 66-1,112, and 66-1,114b, the Commission is given full power, authority and jurisdiction to supervise and control motor carriers, as defined in 49 C.F.R. 390.5 and as adopted by 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.

## II. FINDINGS OF FACTS

3. Benjamin Arteaga d/b/a Ben Cash (Carrier) is a motor carrier as defined by 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f, which purported to operate commercial motor vehicles in interstate commerce under the USDOT Number 3866366.

4. On July 13, 2023, Commission Staff UCR Manager Verna Jackson submitted a Report and Recommendation regarding Carrier's failure to pay its Unified Carrier Registration (UCR) fees for 2023. As explained by Ms. Jackson, motor carriers must pay annual UCR fees in order to lawfully operate in interstate commerce.<sup>1</sup>

5. On July 25, 2023, the Commission issued a Penalty assessing a \$300 civil penalty against Carrier for one (1) violation 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.<sup>2</sup>

6. On October 23, 2023, Commission Staff filed a Motion to Suspend Intrastate Motor Carrier Operations due to the carrier's failure to pay the \$300 civil penalty and the 2023 UCR fees.

7. On October 26, 2023, the Commission issued an Order Suspending Motor Carrier Operations of Carrier.

8. Carrier contacted Staff and stated it had never operated under USDOT 3866366 and requested inactivation of the USDOT. Staff inactivated the USDOT and determined the Penalty Order should be vacated.

9. On November 20, 2023, Transportation Staff filed its Motion to Lift Suspension and Vacate Penalty Order recommending the Commission both lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order.

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<sup>1</sup> Staff's R&R, p. 1 (July 13, 2023).

<sup>2</sup> Penalty Order (July 25, 2023).

### III. CONCLUSIONS OF LAW

10. The Commission finds it has jurisdiction over Benjamin Arteaga d/b/a Ben Cash because Carrier is a motor carrier, as defined in 49 C.F.R. 390.5 and as adopted by K.A.R. 82-4-3f.

11. The Commission further finds that Carrier never operated under this USDOT and inactivated the number per their request.

12. Therefore the Commission concludes it is appropriate to lift the suspension on Carrier's motor carrier operations and vacate the Penalty Order issued July 25, 2023.

#### **THE COMMISSION THEREFORE ORDERS THAT:**

A. The suspension ordered in the Commission's October 26, 2023 Order on Benjamin Arteaga d/b/a Ben Cash is hereby lifted.

B. The Penalty Order issued to Benjamin Arteaga d/b/a Ben Cash on July 25, 2023, is hereby vacated.

C. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>3</sup>

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

French, Chairperson; Keen, Commissioner; Kuether, Commissioner

Dated: 11/28/2023



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Lynn M. Retz  
Executive Director

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<sup>3</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

**CERTIFICATE OF SERVICE**

24-TRAM-039-PEN

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 11/28/2023.

Benjamin Arteaga, OWNER  
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/S/ KCC Docket Room  
KCC Docket Room