

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

In the Matter of the Investigation of)
Baltazar G. Ruiz d/b/a Ruiz Trucking, of)
Garden City, KS, Regarding the)
Violation(s) of the Motor Carrier Safety)
Statutes, Rules and Regulations and the) Docket No. 22-TRAM-510-PEN
Commission's Authority to Impose)
Penalties, Sanctions and/or the Revocation)
of Motor Carrier Authority.)

MOTION TO SUSPEND INTRASTATE MOTOR CARRIER AUTHORITY

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, files its motion requesting the Commission suspend Baltazar G. Ruiz d/b/a Ruiz Trucking of Garden City, Kansas (Carrier) from all intrastate commercial motor carrier operations. In support of its Motion, Staff states as follows:

1. Carrier is a motor carrier as defined in 49 C.F.R. 390.5, as adopted by K.A.R. 82-4-3f, in that it operates commercial motor vehicle(s) in intrastate commerce.
2. Carrier is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT number 1458316.
3. On May 2, 2018, Carrier was issued a Certificate of Public Service to perform for-hire operations in the state of Kansas by the Commission.
4. Carrier attended a safety seminar conducted by Transportation Staff (Staff) on April 9, 2018 and November 18, 2019.
5. Staff Special Investigators Erica Pargas and Penny Fryback conducted a compliance review of the carrier which was completed on May 11, 2022. During the compliance review, Staff noted that Carrier's continued operations posed a danger to the motoring public. Staff findings included:

- a. Baltazar G. Ruiz, owner of Baltazar G. Ruiz d/b/a Ruiz Trucking is currently ineligible for a CDL as a result of previous DUI convictions and failure to submit to a test. Through Staff's investigation, it was revealed that although Mr. Ruiz is currently ineligible to drive, he continues to operate commercial motor vehicles (CMVs) using a fraudulent Mexican Driver's License. At the time of Staff's investigation, Mr. Ruiz provided investigators with a fraudulent Mexican Driver's License. The Federal Motor Carriers Safety Administration (FMCSA) reached out to the Mexican Government to verify the authenticity of the Mexican Driver's License provided by Mr. Ruiz. The Mexican Government reported that they conducted a query on the license and received no returns after it was searched by Name, and Driver's License number. When searched by Driver's License number, results came back with another person's information.
- b. Carrier's driver, Jose Ramirez was placed out of service (OOS) on November 15, 2021 in Nebraska for operating a CMV with an E Restriction. Review of the driver's records of duty status revealed that although the driver was placed OOS, the driver continued to operate a CMV with a Manual Transmission until having his restriction lifted on December 6, 2021.
- c. Ruiz Trucking allowed or required driver Larry Snyder to operate in interstate commerce with an Intrastate Only CDL and while the driver was not medically examined.
- d. This investigation revealed numerous hours of service (HOS) violations including: False Records Of Duty Status, No Records of Duty Status, 70 Hour Violations, 11 Hour Violations, 14 Hour Violations, and failure to record the drivers Hours Of Service using an electronic logging device (ELD).
- e. Ruiz Trucking has had two (2) previous investigations in which the carrier has continued to have the following recurring violations: Failure to obtain annual motor vehicle records (MVRs), 11 Hour Violations, 14 Hour Violations, 70 Hour Violations, Incomplete Employment Applications, Form & Manner, and Failure to properly identify maintenance records.

Staff's findings and recommendation are evidenced by an e-mail from Special Investigator Erica Pargas, sent May 12, 2022. A copy of the e-mail is attached hereto as Attachment "A" and is hereby incorporated by reference.

6. Staff is reviewing the results of the investigators' compliance review and expect a Penalty Order to be issued in this docket in the near future.

7. Staff recommends the carrier have its intrastate motor carrier operations be suspended until they comply with the applicable motor carrier safety rules and regulations.

8. Staff asks that the Commission find Carrier's compliance review demonstrates that the Carrier is operating in violation of the applicable motor carrier safety rules and regulations.

9. Staff asks the Commission find that Carrier's noncompliance with the applicable motor carrier safety rules and regulations poses a potential immediate threat to the safety and welfare of the public of the state of Kansas.

10. Based on the presented facts, Staff requests the Commission issue an order suspending Carrier's intrastate motor carrier authority operations until such time as Carrier submits a Corrective Action Plan that meets Staff's approval and comes into compliance with the applicable motor carrier safety rules and regulations, at which time Staff will recommend the Commission issue an order of reinstatement of intrastate motor carrier operations.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order suspending Carrier's intrastate motor carrier operations.

Respectfully submitted,

/s/ Ahsan Latif

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For Commission Staff

Ahsan Latif

From: Erica Pargas
Sent: Thursday, May 12, 2022 9:56 AM
To: Gary Davenport; Ahsan Latif
Subject: Baltazar G Ruiz dba Ruiz Trucking 5.12.22
Attachments: Baltazar G Ruiz dba Ruiz Trucking 5.12.22.pdf

Good Morning,

Attached is the completed investigation for Baltazar G Ruiz dba Ruiz Trucking that is currently **UNSATISFACTORY** and will need to be forwarded to FMCSA for their review. As a result of this investigation, we would also request an Emergency Suspension of this carrier as this investigation has revealed the following:

1. Baltazar G Ruiz, owner of Baltazar G Ruiz d/b/a Ruiz Trucking is currently ineligible for a CDL as a result of previous DUI convictions and Failure to submit to a test. Through this investigation, it was revealed that although Baltazar G Ruiz is currently ineligible, he continues to operate CMV's with a Fraudulent Mexico Driver's License. At the time of our investigation, Baltazar G Ruiz d/b/a Ruiz Trucking's, owner Baltazar G Ruiz provided Kansas Corporation Commission Investigators Erica Pargas and Penny Fryback with a Fraudulent Mexico Driver's License. FMCSA reached out to the Mexico Government to verify the authenticity of the Mexico Driver's License provided by Baltazar G Ruiz. The Mexico Government reported that they conducted a query on the license provided by Baltazar G Ruiz and got no returns after it was searched by Name, and Driver's License number. When searched by Driver's License number, results came back with another person's information.
2. Baltazar G Ruiz d/b/a Ruiz Trucking's driver, Jose Ramirez was placed OOS on 11/15/21 in Nebraska for operating a CMV with an E Restriction. Review of the drivers records of duty status revealed that although the driver was placed OOS, the driver continued to operate a CMV with a Manual Transmission until having his restriction lifted on 12/6/21.
3. Baltazar G Ruiz d/b/a Ruiz Trucking allowed or required driver, Larry Snyder to operate in interstate commerce with an Intrastate Only CDL and while the driver was not medically examined.
4. This investigation revealed numerous HOS violations to include: False Records Of Duty Status, No Records of Duty Status, 70 Hour Violations, 11 Hour Violations, 14 Hour Violations, and failure to record the drivers Hours Of Service using an ELD.
5. Baltazar G Ruiz d/b/a Ruiz Trucking has had two (2) previous investigations in which the carrier has continued to have the following recurring violations: Failure to obtain annual MVR's, 11 Hour Violations, 14 Hour Violations, 70 Hour Violations, Incomplete Employment Applications, Form & Manner, and Failure to properly identify maintenance records.

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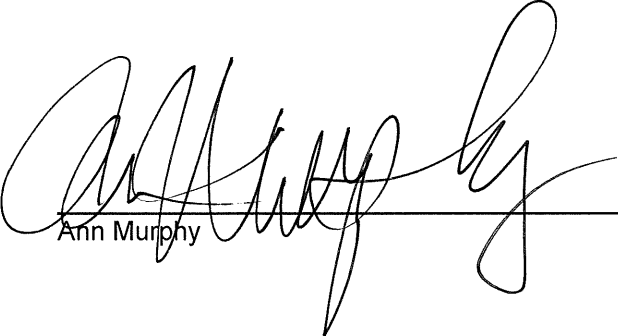
CERTIFICATE OF SERVICE

22-TRAM-510-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Suspend Intrastate Motor Carrier Authority was served via electronic and first class US Mail this 16th day of May, 2022, to the following:

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