

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

In the Matter of the Investigation of **Solomon**)
Valley Feeders, LLC of Beloit, Kansas,)
Pursuant to the Kansas Highway Patrol)
Issuance of a Notice of Violation(s) and) Docket No. 16-GIMM-527-KHP
Invoice for the Violations of the Kansas Motor)
Carrier Safety Statutes, Rules and Regulations.)

STAFF'S MOTION TO DISMISS AND WAIVE CIVIL PENALTY

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively) presents the above-captioned matter to the Commission for dismissal of the enforcement action, with prejudice, against Solomon Valley Feeders, LLC. (Respondent). In support of its Motion, Staff states as follows:

1. On May 12, 2016, the Kansas Highway Patrol issued a Notice of Violation against Solomon Valley Feeders (Respondent), for alleged violations found during a March 17, 2016, routine motor carrier stop and inspection conducted by the Kansas Highway Patrol. Respondent was assessed an \$850.00 civil fine for the following violations: (1) a \$150 fine for "No/Improper Breakaway or Emergency Braking," citing 393.43, (2) a \$150 fine for "Flat tire or fabric exposed," citing 393.75A, (3) a \$150 fine for "Inoperable Required Lamp," citing 393.9, (4) a \$150 fine for "Operating a CMV without a CDL," citing 383.23A2 and (5) a \$250 fine for "No drivers record of duty status," citing 395.8A.
2. On April 21, 2016, Respondent initiated a formal challenge, claiming the violation was not valid because the truck and trailer were not commercial motor vehicles and was hauling pipe to be used for "farm purposes and not for commercial purposes."

3. On April 26, 2016, the Kansas Highway Patrol denied Respondent's challenge and advised Solomon Valley Feeders of its right to an administrative hearing before the Commission.

4. On May 6, 2016, Respondent requested a hearing before the Commission.

5. On June 7, 2016, the Commission issued an Order Setting Hearing for July 13, 2016 at 9:00 a.m.

6. Staff has reviewed the facts surrounding the March 17, 2016, traffic stop and has determined that the available evidence does not support a violation and civil penalty against Respondent and that a hearing is not necessary.

7. Therefore, Staff recommends the Commission find that Respondent's request for hearing be dismissed, the \$850 in civil penalties assessed against Respondent be waived, with prejudice, and the status of this docket be changed to "closed."

WHEREFORE, for the reasons set forth above, Staff respectfully requests the Commission find that the above enforcement action against Respondent be dismissed, with prejudice, and that the docket be closed.

Respectfully submitted,



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For Commission Staff

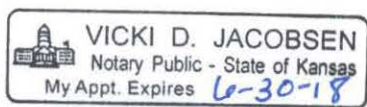
VERIFICATION

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Staff's Motion to Dismiss* and attests that the statements therein are true to the best of his knowledge, information and belief.


Ahsan A. Latif, #24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 21 day of June, 2016.



Vicki D. Jacobsen
Notary Public

My Appointment Expires: 6-30-18

CERTIFICATE OF SERVICE

16-GIMM-527-KHP

I, the undersigned, certify that a true and correct copy of the above and foregoing Staff's Motion to Dismiss and Waive Civil Penalty was served via electronic service this 22nd day of June, 2016, to the following:

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