

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

In the Matter of the Investigation of **Oscar**)
Hernandez, of Garden City, Kansas, Regarding)
the Violation of the Motor Carrier Safety Statutes,) Docket No. 20-TRAM-118-PEN
Rules and Regulations and the Commission's)
Authority to Impose Penalties, Sanctions and/or)
the Revocation of Motor Carrier Authority.)

MOTION TO REINSTATE INTRASTATE MOTOR CARRIER OPERATIONS

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 reinstate the Kansas motor carrier operations of Oscar Hernandez of Garden City, Kansas (Respondent). In support of its Motion, Staff states as follows:

1. Respondent is a motor carrier as defined in 49 C.F.R. Part 390.5, as adopted by K.A.R. 82-4-3f, that operates commercial motor vehicle(s) in intrastate commerce.
2. Respondent is registered as a motor carrier with the U.S. Department of Transportation (USDOT) and operates under USDOT Number 1475307.
3. On November 14, 2019, the Commission issued an Order suspending Respondent's intrastate motor carrier operations other than such motor carrier operations excepted from the Commission's regulation under K.S.A. 2018 Supp. 66-1,129, due to non-compliance with a Penalty Order issued in this docket on September 7, 2019. The Penalty Order assessed Respondent a \$1,300 civil fine.
4. On November 26, 2019, Transportation Staff and Respondent entered into a Stipulated Settlement Agreement wherein Respondent agrees to pay the \$1,300 civil fine by

making five payments of \$260 each, due on the 15th day of the month beginning December 15, 2019, and ending April 15, 2020.

5. Therefore, Staff asks the Commission to find that Respondent is in compliance with the requirements of the above-referenced Penalty Order.

6. Staff also asks the Commission to reinstate Respondent's Kansas motor carrier operations.

7. Furthermore, Staff asks the Commission to order Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order, and to provide Litigation Counsel with written proof of attendance.

WHEREFORE, for the reasons stated above, Staff respectfully requests that the Commission issue an order reinstating Respondent's Kansas motor carrier operations and ordering Respondent to attend a Commission-sponsored safety seminar within ninety (90) days, pursuant to paragraph (B) of the Penalty Order and provide Litigation Counsel with written proof of attendance.

Respectfully submitted,



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For Commission Staff

VERIFICATION

20-TRAM-118-PEN

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 *Motion to Reinstate Intrastate Motor Carrier Operations*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.



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

SUBSCRIBED AND SWORN to before me this 27th day of November, 2019.





Notary Public

My Appointment Expires: June 30, 2022

CERTIFICATE OF SERVICE

20-TRAM-118-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Reinstate Intrastate Motor Carrier Operations was served via electronic service this 27th day of November, 2019, to the following:

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